

IN THE COURT OF APPEALS FOR THE STATE OF WASHINGTON  
FOR DIVISION II

HAROLD S. GEORGE,  
Appellant,

vs.

State of Washington,  
Respondent.

Case No. 46323-7-II  
13-1-01810-3

MOTION FOR STATEMENT OF  
ADDITIONAL GROUNDS

FILED  
COURT OF APPEALS  
DIVISION II  
2015 APR 20 PM 1:32  
STATE OF WASHINGTON  
BY [Signature]  
DEPUTY

I. FACTS

This appellant now comes forth and states that the following issues should now be considered pursuant to R.A.P. 10.10:

- (1). The Appellants Miranda warnings got violated,
- (2). That the trial court attorney was ineffective,
- (3). That the Appellant's Due Process Rights were violated due to the failure of a competency hearing;;
- (4). That the Prosecutor committed misconduct;
- (5). That the victim made multiple inconsistent statements;
- (6). That the trial Judge abused his discretion,
- (7). The Appellant's Attorney was ineffective in his brief in the Direct Appeal, and
- (8). The Appellant should of been given a Jury Trial not a Judge Trial.

II. ARGUMENT

Did The Trial Attorney Show  
Ineffective Assistance By Not  
Requesting a Competency Hearing?

**CERTIFICATE OF SERVICE**

I certify that I mailed  
copies of SAC

to Appellant  
& Pro's office  
4/24/15  
Date Signed

It is clear that this appellant has had multiple attorneys that have represented him but have all represented him improperly due to the fact that he is a native Puyallup Indian and he receives money from his tribe (Per Capita) and this defendant has mental Health and other characteristics that renders him particularly vanerable. In re disciplinary Proceeding Against Blanchard, 158 Wn.2d. 317, 332, 144 P.3d. 286 (2006)(quoting In re Disciplinary proceeding against Christopher, 153 Wn.2d 669, 682, 105 P.3d 976(2005).

Its been argued by the attorney of Record (Kent Underwood), that the trial Attorney (Roger-Kemp) was ineffective and to add to this situation this Appellant is also illiterate to the court system and has literacy problems that effect this case including mantal health problems. Scott v. Badnar, 52 N.J. Super. 439, 145 A.2d. 643 (1958) (quoting Pac. Co. V. Gastelum, 36 Ariz. 106, 283 P.719(1929).

R.C.W. 10.77 governs the procedures and standards trial Court use to Judge the competency to Stand trial. State v. Wicklund, 96 Wash.2d.798, 801, 638 P.2d. 1241(1982).

As can be seen by the appendix that is attached this Appellant is in the process of gathering the evidence that his appellant Attorney failed to do in order to show that the trial attorney failed to do her job when it came to this issue and abused her authority over the appellant at the trial stages. Rodriguez v. Dept. of Labor & Indus., 85 Wash. 2d. 954-55, 540 P.2d.1359(1975).

When this counsel knew or should have known of this Appellant's defect and illness affecting his felony case, this counsel should have (1) promptly sought the Appointment of co-counsel(2) presented a mitigating package to the prosecutor before notice was filed of this sentence, (3) promptly investigated his relevant mental health issues considering these type of charges, (4) sought a timely Appointment of Investigation, (5) Sought a timely Appointment of qualified mental Health experts, and (6) adequately prepared for the penalty phase and trial stage by having relevant mental Issues fully assessed and by

retaining, if necessary, qualified Mental Health Experts to testify accordingly. In re pers Restraint of Brett, 142 Wash.2d.882-83, 16 P.3d.601(2001).

Whenever there is a reason to doubt a defentants competency, the court on its own motion "or" on the motion of any party shall order an evaluation which this attorney should have done pursuant to R.C.W. 10.77.060(1)(a).

The state cannot rely on presumption on issues such as this; it must be relied on facts alone. State v. Womble, 93 Wash.App. 599, 604, 969 P.2d. 1097(1999).

The Fourteenth Amendment protects individuals from the deprivation of Life, Liberty, or Property without Due Process of Law and from the arbitrary exercise of the powers of government. United States Const. Amend. XIV §1, Wolff v. McDonnell, 418 U.S. 539, 558, 94 S.Ct. 2963, 41 L.Ed.2d. 935 (1974); Hurtado v. California, 110 U.S. 516, 527, 4 S.Ct. 111, 28 L.Ed. 232(1884).

This compentcy evaluation is more than an abstract need or desire, its a necessary, Board of Regents of State Colls. v. Roth, 408 U.S. 564, 577, 92 S.Ct. 2701, 33 L.Ed.2d. 548 (1972); and its based on more than just a unilateral Hope; Conn.Bd. of Pardons v. Dumschat, 452 U.S. 458, 465, 101 S.Ct. 2460, 69 L.Ed.2d. 158(1981).

This issue can be seen as protected by the constitution and from an expectation and interest created by state Laws and Policies. Wilkinson v. Austin, 545 U.S. 209, 221, 125 S.Ct. 2384, 162 L.Ed.2d. 174 (2005)(citing Vitek v. Jones, 445 U.S. 480, 493-94, 100 S.Ct. 1254, 63 L.Ed.2d. 552(1980); Wolff, 418 U.S. at 556-58, 94 S.Ct. 2963.

It would have been shown that this Appellant was not competent to assist in his own defense had there been an evaluation. State v. Hahn, 106 Wash.2d. 885, 895, 726 P.2d. 25 (1986).

Pursuant to the Due Process of the 14th Amendment, An Incompetent defendant may not stand trial in the way that this defendant/Appellant did. Medina v. California, 505 U.S. 437, 439, 112 S.Ct. 2572, 120 L.Ed.2d. 353(1992).

Since this attorney at the trial stages had failed to properly represent this appellant and to protect his rights to this competency hearing then remand is now required. Drope v. Missouri, 420 U.S. 162, 183, 95 S.Ct. 896, 43 L.Ed.2d. 103 (1975); In re pers. Restraint of Fleming, 142 Wash.2d. 853, 16 P.3d. 610(2001).

For this court to make any different type of statutory interpretation of this competency issue would be reviewed de novo by the Supreme Court of Washington and the Ninth Circuit. State v. Erwin, 169 wash.2d. 815, 820, 239 P.3d. 354(2010). (see also): State v. Rundgult, 79 wash.App. 786, 793, 905 P.2d. 922 (1995); review denied, 129 Wash.2d. 1003, 914 P.2d. 66 (1996).; State v. Ortiz, 104 wash.2d. 479, 482, 706 P.2d. 1069 (1985); cert. denied, 476 U.S. 1144, 106 S.Ct. 2255, 90 L.Ed.2d.700(1986); State exrel. Carroll v. Junker, 79 wash.2d. 12, 26, 482 P.2d. 775(1971).

An issue such as this must be done by a sanity commission expert, not a layman person that is an officer of the court. State v. Williams, 34 wash.2d. 367, 371, 209 P.2d.331(1949).

Generally, an issue cannot be raised for the first time on appeal unless as here it is a manifest error that affects his constitutional Rights. R.A.P. 2.5(a)(3).

This attorneys actions caused actual prejudice and it was at critical stages of these proceedings. State v. Munigua, 107 wn.App. 328, 340, 26 P.3d.1017 (2001) (citing state v. McFarland, 127 Wn.2d. 522, 333, 899 P.2d. 1257(1995)) review denied, 145 wn.2d.1023(2002). (see also): State v. Heddrick, 166 Wn.2d. 898, 909-10, 215 P.3d.201(2009); State v. Everybody-talksabout, 161 wn.2d.702, 708, 166 P.3d. 693(2007).

Errors of this magnitude creates a Brecht Harmless error

standard test when there has been a failure to engage in issues that require reversal, and when an error such as this is "NOT HARMLESS" since it has such a substantial and injurious effect and influence in determining the trial courts verdict. Brecht v. Abraham, 507 U.S. at 637, 113 S.Ct. 1710 (quoting Kotteakos v. United States, 328 U.S. 750, 776, 66 S.Ct. 1239, 90 L.Ed.1557 (1946)).

The State now bears the burden of "Risk of Doubt" whether or not this was harmless not the defendant. O'Neal v. McAninch, 513 U.S. 432, 439, 115 S.Ct. 992, 130 L.Ed.2d. 947(1995); Gray v. Klauser, 282 F.3d. 633, 651(9th cir.2002); United States v. Hitt, 981 F.2d. 422, 425(9th.cir.1992); Payton v. Woodford, 299 F.3d.815, 828(9th Cir.@002).

The Fourteenth Amendment also forbids this State to deny this appellant the equal protection of the LAws and the Federal Government under the Due Process Clause of the 5th Amendment. Buckley v. Valeo, 424 U.S. 1, 93, 96 S.Ct.612(1976); Bolling v. Sharpe, 347 U.S. 497, 499, 74 S.Ct.693 (1954); (see also): E.G., State v. Hirschfelder, 170 wash.2d.536, 550, 242 P.3d.876 (2010); Am. Legion Post No. 149 v. Dept. of Health, 164 wash.2d. 570, 609, 192 P.3d. 306(2008)(quoting Madison v. State, 161 wash.2d. 85, 103, 163 P.3d.757(2007)); (see also): Griffin v. Eller, 130 wash.2d.58, 65, 922 P.2d. 788(1996)(citing In re Runyan, 121 wash.2d.432, 448 P.2d.424 (1993)); Westerman v. Cary, 125 wash.2d. 277, 294, 892 P.2d. 1067(1994); State v. Schaaf, 109 wash.2d.1, 17-19, 743 P.2d.240 (1987).

It forbids the discrimination or classification that is unjustified or invidious. Ferguson v. Skrupa, 372 U.S. 726, 732, 83 S.Ct. 1028(1963); Lindsley v. Natural Carbolic Gas Co., 220 U.S. 61, 78-79, 31 S.Ct.337(1911); In re pers. Restraint of Salinos, 130 wash.App. 772, 124 P.3d. 665(2005); In re pers. Restraint of Stanphill, 134 wn.2d.165, 174, 949 P.2d. 365(1998).

The State cannot now come forth and argue that this was some type of invited error when it is apparent that ineffective assistance had played a major role in this scenario.(see): e.g. State v. Pam, 104 wash.2d.507, 511, 680 P.2d. 762(1984);

accord, State v. Boyer, 91 wash.2d. 342, 345, 588 P.2d. 1151 (1979); State v. Lewis, 15 wash.App.172, 177, 548 P.2d. 587(1976) (see also): Davis v. Globe Mach. Mfg. Co. 102 wash.2d.68, 77, 684 P.2d. 692 (1984); City of Seattle v. PafU, 147 wash.2d. 717, 720, 58 P.3d. 273(2002).

This evidence is relevant and admissible to this matter and should not be dismissed out of Hand. State v. Clark, 78 wn.App. 471, 477, 898 P.2d. 854(1995); United States v. Briscoe, 574 F.2d. 406, 408(8th Cir.1978).

For this court to try and exclude this issue without sufficient Justification would violate his Constitutional Rights to compulsory process. United States v. Melchor Moreno, 536 F.2d.1042, 1045-46(5th. Cir. 1976).

This Appellant has always relied on paid attorneys to take care of him and be Trustworthy which clearly is not working since there is a continuous argument to the courts of ineffective assistance due to they recognize this Appellants Mental Health issues and take advantage of an easy payback "until now". Sofia, 162 A.D.2d. at 520(quoted pimpinello v. Swift & Co., 253 N.Y. 159, 163, 170 N.E. 530(1930).

This court should rule that this attorney had made misrepresentations to the trial courts and committed fraud and misrepresentation to this Appellant in violation of R.P.C. 4-4.3(a)(1) and 4-8.4(c)(engaging in conduct involving dishonesty, fraud, deceit, misrepresentation and engaging in conduct Prejudicial to the administration of Justice in violation of R.P.C. 4-8.4(d). In re Disciplinary matter of MichaelRobert Fletcher, No. 03-272, slip op. at 5-6(W.D.Mo.Mat 18, 2004).

As can be seen by the attached Appendix this Appellant is requesting now that this court allow him to file a Supplemental Brief pursuant to R.A.P. 10.1 (h) in order to show the evidence that a competency Mental Health Evaluation should have be conducted in this matter Prior to Trial. In re Pers. Restraint of Higgins, 152 wn.2d.155, 160, 95 P.3d. 330(2004).

Did Officer Sanders Violate  
This Appellant's 5th Amendment  
Rights To Remain Silent?

It was clear that officer Sanders when taking the stand wanted to make it a point to make this Appellant look guilty in any way possible by making flagrant statements of the Appellant invoking his rights and the prosecutor enabling him to do this RP at 428-29.

Both the United States and Washington Constitutions guarantee an individuals right to remain silent. United States Const. Amend. V; WA. Const. Art1§9; State v. Knapp, 148 wash.App. 414, 420, 199 P.3d. 505 (2009).

This officer when testifying on how the Appellant was acting when confronted about the charges and accusations being brought against him made this Appellant feel that it was his best interest to invoke his fifth Amendment Rights. RP at 429.

Prior to conducting a custodial interrogation; Police must first advise a suspect (1) of his right to remain silent and provide notice that anything said to the Police might be used against him, (2) of the right to consult with an attorney prior to answering any questions and have the attorney present for questioning; (3) that counsel will be appointed for him if desired, and (4) that he can end questioning at any time without it being used against him. Miranda v. Arizona, 384 U.S. 436, 444, 86 S.Ct. 1602, 16 L.Ed.2d.684 (1966).

This Appellant became aware that he was in custody and his freedom of action was curtailed to the degree associated with a formal arrest. Berkemer v. McCarty, 468 U.S. 420, 440, 104 S.Ct. 3138, 82 L.Ed.2d.317(1984).

Interrogation is express questioning or its functional equivalent by police. Rhode Island v. Innis, 466 U.S. 291, 300-01, 100 S.Ct. 1682, 64 L.Ed.2d.297(1980).

The functional equivalent of questioning involves behavior that police should know is reasonably likely to elicit an incriminating response. Id at 302, 100 S.Ct. 1682.

The United States Supreme Court had eschewed per se rules "mandating" that a suspect be re-advised of his rights in certain fixed situations in favor of a more flexible approach focusing on the totality of the circumstances. United States v. Rodriguez - Preciado, 399 F.3d.1118(9th.Cir.2005); (See also): Zappulla v. New York, 391 F.3d.462(2d.Cir.2004).

When the prosecutor had officer Sanders on the stand and questioned him on the issues of what this Appellant had stated during the questioning the officer stated that this appellant had stopped answering questions as if he was somehow trying to cover-up the truth so as to infer guilt from the refusal to answer these questions. State v. Lewis, 130 wash.2d.700, 705, 927 P.2d.235 (1996).

The State clearly had commented on this Appellants right to remain silent. RP at 428-29, 444-45.

The state had manifestly intended the remarks to be a comment on that right. RP at 428-29; (see also): State v. Burke, 163 wash.2d.204, 216, 181 P.3d.1(2008).

The State had used these improper comments on this appellants silence during the questioning of Miranda Rights and in closing arguments that were seen as substantive evidence of guilt and to suggest to the court that it was a type of admission of guilt. Lewis, 130 wash.2d.at 707, 927 P.2d. 235.

This occurred at trial with the officer and at the closing arguments. RP at 428-29, 444-45.

This officers actions regardless of what the prosecutor had done had committed misconduct and behavior that is so outrageous that it also violated the Due Process Clause of the Fourteenth Amendment so that it should shock this Judicial Panels conscience. State v. Valentine, 75 wash.App. 611, 625, 879 P.2d.313(1994), review granted, 128 wash.2d.1001, 907 P.2d. 298(1995). (see also): State v. Lively, 130 wash.2d.1, 921 P.2d. 1035, 1044-49, 65 U.S.L.W. 2180 (1996).

This prosecuting attorney had then created a way to show personal knowledge of the Appellants guilt through this



testimony. State v. Denton, 58 wash.App.251, 257, 792 P.2d. 537(1990)(citing State v. Yoakum, 37 wash.2d. 137, 222 P.2d. 181 (1950)); (see also): United States v. Kwang Fu Peng, 766 F.2d.82, 86 (2d.Cir.1985)(quoting United States v. Cunningham, 672 F.2d.1064, 1075 (2d.cir.1982)).

Did The Statements Made  
By The Victim Amount To Be  
Reliable For This Conviction?

It will be clearly seen that when this court reviews this testimony that it was not reliable at any length and had this Appellant received the effective assistance of counsel there would have never been a waiver of his right to a Jury Trial as some type of Tactical Decision. RP ar 81-84(see also): State v. Likakur, 26 wash.App.297, 303, 613 P.2d.156(1980).

Since there is arguments of Ineffective Assistance of Counsel that falls under the sixth Amendment, then for this Attorney to talk this Appellant out of his right to a Jury Trial is also a violation of his Sixth Amendment Right. Blakely v. Washington, 542 U.S. 296, 124 S.Ct.2531, 159 L.Ed.2d.403 (2004); and Apprendi v. New Jersey, 530 U.S. 466, 120 S.Ct.2348, 147 L.Ed.2d.435 (2000).

When this court reviews this evidence it will be seen that the finding of this conviction was clearly erroneous; State v. Ferguson, 142 wn.2d.631, 646, 15 P.3d. 1271(2001); due to the fact that when you evaluate the hearsay and inconsistent statements and apply the ineffective assistance of counsel with Prosecutorial misconduct it will show that it is not supported by substantial evidence that could convince an unprejudiced mind. State v. Grewe, 117 wn.2d. 211, 218, 813 P.2d.1238(1991); (see also): State v. Hutton, 7 wn.App. 726, 728, 502 P.2d. 1037(1972).

(A). Inadmissible Hearsay Statements by the Victim.  
In this matter there were statements made by the victim

that were fact finders to evidence that should of never been allowed in the court and the attorney of record allowed it to happen more than once and one time is all it takes to amount to Constitutional Magnitude when an attorney fails to object. In re pers. Restraint of Gentry, 137 wash.2d.378, 400-01, 972 P.2d.1250 (1999).

The Victim, Alexis, had stated that she had told multiple individuals including a person named Nichole, (Tony's Girl-friend) that was not present as a witness and the state knew this fact RP at 184.

Later in trial she had further elaborated that a girl named Kalya, told her to make up all the allegationS about what happened and then states that this is not true as the realization occurS that she is getting caught up in a lie due to she fails to re member who was supposed to have told what or who knew what.RP at 249-252.

The confusion on her lies became apparent and then tries to make up an excuse. RP at 253.

Hearsay is a Statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted. ER 801(c).

Unless an exception or exclusion applies, hearsay is inadmissible. ER 802.

When this victim had referred to these two individuals as knowing of these incidents and had information of flyers being handed around in the neighborhood the prosecutor knew that these individuals should of been brought forth as to not implinge upon the Appellant's Constitutional Right to confrontation in order to cross-examine them. State v. Neal, 144 wash. 2d.607, 30 P.3d.1255(2001).

This appellant now states that the admission of these statements are clear violations of the confrontation Clause of the Sixth Amendment. State v. Jasper, 174 wash.2d. 96, 108, 271 P.3d.876 (2012).

This clause applies to witness's against the accused in other words, those who bear testimony such as those two, RP at 184, 249-252(Nichole & Kayla); (see also); Crawford v.

Washington, 541 U.S.36, 51, 124 S.Ct.1354, 158 L.Ed.2d.177 (2004).

Testimonial statement by this witness/victim of what a declarant had stated is not permissible here due to these declarants are not unavailable. Crawford, 541 U.S. at 59, 124 S.Ct.1354.

Also, the Doctrine of Forfeiture by wrong doing does not apply here since he cannot be responsible for these witnesses absence at this trial. State v. Mason, 160 wash.2d. 910, 924, 162 P.3d.396(2007); Cert. Denied, 553 U.S. 1035, 128 S.Ct.2430, L.Ed 2d. 235(2008).

The state cannot show here that there is any casual link between this appellant and these potential witness's showing up for court due to it would of helped his case, not hinder it. Id at 926-27.

Evidence (Testimony) that could have been brought forth by these witnesses which the state "knew" would hurt their case is favorable evidence to this appellant and is a clear violation of his Constitutional Due Process. Brady v. Maryland, 373 U.S. at 87.

Under the Supreme Courts current Jurisprudence, in order to establish a Brady violation, this appellant must only demonstrate the existence of each of three necessary elements as follows:

- (1). The existence at issue must be favorable to the accused; either because it is exculpatory; or because its impeaching
- (2). That this evidence was suppressed by the state; either willfully or inadvertently; and
- (3). Prejudice has ensued. Strickler v. Greene, 527 U.S. 263, 281-82, 119 S.Ct. 1936, 144 L.Ed.2d.286 (1999).

The animating purpose of Brady is to preserve the fairness of criminal trials. Morris v. Ylst, 447 F.3d.735, 742, (9th.cir. 2006).

This prosecutor should of disclosed the pertinent relevant evidence that Kayla and Nichole knew prior to the trial. Id (quoting Bagley, 473 U.S. at 675).

The prosecutors intentions were intentional to keep Nichole and Kayla from testifying in this trial due to it would have been seen as substantial evidence that Alexis was a liar about everything she had testified to except for the fact that this appellant has a past criminal record. State v. Fallentine, 149 wash.App. 614, 620-21, 215 P.3d.945(2009)(citing In re Detention of LaBelle, 107 wash.2d.196, 209, 728 P.2d. 138 (1986).

To further this argument these statements must be excluded due to they are not admissible because it is self-serving hearsay. State v. Finch, 137 wash.2d.792, 824-25, 975 P.2d.967, cert. denied, 528 U.S. 922, 120 S.Ct.285, 145 L.Ed.2d.239 (1999).

The victim has now made statements of what a declarant had stated out-of-court tending to aid her allegations and used these people as an offerance of the truth of the matter asserted and such statements are not admissible under the admission exception to the Hearsay Rule. State. v. Haga, 8 wash.App. 481, 495, 507 P.2d. 159(1973); State v. Fuller, 7 wash.App. 369, 381, 499 P.2d.893(1972); State v. Huff, 3 wash. App.632, 636, 477 P.2d.22(1970); State v. King, 71 wash.2d.573, 577, 429 P.2d.914(1967); State v. Johnson, 60 wash.2d.21, 31, 371 P.2d.611(1962).

The court allowing this testimony allows this victim to make a one-sided argument and not allow these so-called witnesses be cross-examined. State v. Bennett, 20 wash.App.787, 582 P.2d.569 (1978).

It also falls under ineffective assistance again since the trial attorney (Rogers-Kemp) failed to object. Gentry, 137 wash.2d. at 378, 400-01, 972 P.2d.1250.

These statements were used as the truth of the statements that the victim (Alexis) was trying to state and amounts to inadmissible hearsay. State v. Johnson, 61 wash.App.539, 545, 811 P.2d.687 (1981); State v. Aaron, 57 wash.App. 277, 279-281, 787 P.2d.949; (see also): State v. Irving, 114 N.J.427. 555, A.2d.575, 584-86(1989); State v. Hard, 354 N.W.2d.21,

23(minn.1984); Postell v. State, 398 So.2d.851, 854(Fla.Dist.Ct. App.1981); Favre v. Henderson, 464 F.2d.359(5th.Cir.1972).

Inadmissible evidence is not made admissible by allowing the substance of a testifying witness' evidence to incorporate out-of-court statements by a declarant who does not testify. State v. Martinez, 105 wash.App.775, 782, 20 P.3d.1062(2001); overruled on other grounds by, State v. Rangel-Reyes, 119 wash. App.494, 499n.1., 81 P.3d.157(2003).

Even hearsay with an applicable exception becomes inadmissible in violation of the clause if it is testimonial Hearsay. Davis v. Wash., 547 U.S. 813, 126 S.Ct.2266, 165 L.Ed.2d.224 (2006).

(B). Inconsistent and False Testimony By Victim.

This case was relied upon by Inconsistent and False Testimony which this and the violation of the confrontation clause and hearsay statements there is "no-evidence" to support this conviction. United States ex.rel. Victor v. Yeager, 330 F.Supp.802, 806(D.N.J. 1971).

Because the Due Process Clause "forbids" a state to convict a person of a crime without proving the elements of these crimes beyond a reasonable doubt. Fiore v. White, 531 U.S.225, 228-29, 121 S.Ct.712, 148 L.Ed.2d.629 (2001); a State Law question regarding the elements of the crime predicates the enforcement of a Petitionial right as is here. Richey v. Mitchell, 395 F.3d. 660, 672 (6th.cir.2005); In re Winship, 397 U.S.358, 90 S.Ct. 1068, 25 L.Ed.2d.368(1970).

This victim had consistently at trial made inconsistent and recanted making new statements of facts that is shown in the record as follows:

Alexis first states that nothing ever happened anywhere except at the house in Graham. RP at 169; Stated that she couldn't remember whether or not this appellant asked her to take her pants off or would Just do it. RP at 173;

Testified that it happened more than once, then states it probably happened more than twice and then states she wasn't sure whether it happened more than 3 times and then the prosecutor asked if it had happened on a weekly basis and says yes after the prosecutor lead her into the statement. RP at 181; After this testimony, she then states that she told her mom that none of it was true and her brother before that. RP at 195-96.

Then she states that she cannot remember who she told first, her mom or her brother. RP 196-97.

It then becomes clear that Alexis (the victim) sees that her brother is upset about her mom and this appellant splitting their ways and decides to tell her mom another lie to try and cheer up her mother as to not miss the appellant and state the allegations are true. RP at 199.

Right after that the victim states that she can't remember or not if she brought up the old allegations or if her mom did when they state that the Appellant moved out, RP at 200; and at the same time cannot remember what she actually said to her mom or what her moms reaction were. RP at 200.

She then states that she is the one who told her mom and not her brother Tony, which becomes clear that she is getting confused of what the story is supposed to be and who is going to say what. RP at 210.

After the prosecutor led her into the statement of it happened weekly, RP at 181-82, this victim later states she can't remember if it happened weekly or if it happened only 5 times. RP at 211.

Alexis gets caught lying about who was present where the conversation happened and what Rose was doing. RP at 213.

She tries to now state that her mom would leave her alone with this appellant after the accusations when she stated before that she wasn't left alone RP at 222; and then admits that nothing changed about this appellant taking care of her after the allegations were brought up. RP at 223.

Had these type of allegations been true the mother would have at least told her daughter that they are offering counseling and that she thought it was best that she take it. RP at 223 (citing RP at 143).

Every person has had bad experiences happen in our lives and for this victim to come forth and state that she can't remember whether a pillow was put over her face or after her clothes was taken off is utterly ridiculous. RP at 229.

There was flyers handed out in the neighborhood about appellants past and this victim now states that she can't remember whether she started making these accusations before or after she seen them. RP at 241-42.

Alexis admits that her mom never even discusses the issue of doing any type of counseling because it is nothing more than just a made up story. RP at 243.

Finally, she states that when she was questioned by the attorney (Miss Kemp) that she was not confused about the questions prior to trial, but realized when she is asked about the situation at trial and is getting caught in lies she now becomes completely confused about everything and considering there is not a Jury of 12 people to use as an excuse to get her nervous makes this victims apparent lies more obvious. RP at 253.

It has been stated that when a person who speaks inconsistently is thought to be less credible than a person who does not. State v. Allen, 98 wash.App.452, 467, 989 P.2d.1222 (1999)(quoting State v. Williams, 79 wash.App.21, 26-27, 902 P.2d.1258(1995); review denied, 140 wash.2d.1022, 10 P.3d. 405(2000).

The statements about what other people said about the flyers being handed out should of never been allowed either. RP at 241-42, (see also): State v. Lowrie, 14 wash.App.408, 542 P.2d.128(1975).

This court should allow this evidence of bias since these statements are untruthful. ER 608(b).

In exercising this discretion under this rule, this court must consider this issue is relevant to this victims veracity on the stand and whether it is germane or relevant to the issues presented at trial and they are here. State v. O'Conner, 155 wash.2d.335, 349, 119 P.3d..806(2005).

There are so many statements made by this victim that lack reliability that their admission cause severe Due Process Concerns. United States v. Aguilar, 975 F.2d.45, 47(2d.cir.1992).

This is perjured testimony at its best. Mooney, 294 U.S. at 112, 55 S.Ct. 340, Napue, 360 U.S. at 269, 79 S.Ct.1173.

This prosecutor knew that the testimony was perjured and allowed it to be entered and knowingly violated this appellants rights. Hayes v. Brown, 399 F.3d.972, 978(9th.cir.2005).

This court must defer to fact finders due to the conflicting statements made by this victim due to there should be no weight to good credible statements made here, and since all other fact finders to this case rely on this victims credibility this case should be dismissed with prejudice on what the persuasiveness of the evidence shows here without this victims statements. State v. Thomas, 150 wn.2d.821, 874-75, 83 P.3d.970(2004; Camarillo, 115 wash.2d. at 71, 794 P.2d.850.

No reasonable Jury would have ever convicted this appellant of these charges without these apparent errors. Davis v. Alaska, 415 U.S. 318, 94 S.Ct.1111, 39 L.Ed.2d.347(1974); State v. Fitzsimmons, 93 wash.2d.436, 452, 610 P.2d.893, 18 A.L.R. 4th 690(1980); Dickenson, 48 Wash.App. at 470, 740 P.2d.312.

Did Mary's Testimony Show  
Her True Intentions In Whether  
This Was An Act For Money?

From the beginning of this case it was discussed that the State in no way wanted evidence of this issue being brought up because this was the appellants defense to the charges.  
RP at 52.



There are issues now being raised in the trial Courts about the acts of this witnesses actions of criminal activity such as stating that her and this appellant was legally married when that fact is yet untrue due to the Department of Corrections has specific policies and Forms that need to be followed in court to accomplish this and the state cannot prove that any of this was done by this appellant while he was incarcerated and when this apparent marriage was actually supposed to have occurred.(see) Appendix at 1-15.

It would have been seen that Mary had accomplished her goal in obtaining multiple vehicles and a home. RCW 9A.82.060 (1)(a), RCW 9A.82.010(14).

Had this court allowed this evidence in it would have shown that when the divorce was final in this very same county of conviction for these charges that she was awarded these things. (see) Appendix at 16-20. (see also): Dowling v. United States, 493 U.S. 342, 350, 110 S.Ct.668, 673, 107 L.Ed.2d.708 (1990); State v.Kassahun, 78 wash.App.925, 932, 610 P.2d.962 (1980); Royer v. Mabry, 15 wash.App.819, 821, 551 P.2d.1381 (1976); review denied, 88 wash.2d.1001(1977).

Mary acts could be seen as an act of criminal profiteering and her past would have shown similar acts. (see): State v. Barnes, 85 wash.App.638, 650, 932 P.2d.669, review denied, 133 wash.2d.1021, 948 P.2d.389(1997); Hudson v. United States, 552 U.S. 93, 118 S.Ct.488, 139 L.Ed.2d.450(1997); State v. Frodert, 84 weash.App. 20, 924 P.2d.933(1986); review denied, 131 wash.2d.1017, 936 P.2d.417 (1997).

There is both relationship and continuity here. H.J. Inc. v. Horthwestern Bell Telephone Co., 492 U.S. 229, 236-37, 109 S.Ct.2893, 2899-900, 106 L.Ed.2d.195 (1989); cert. denied, 504 U.S. 957, 112 S.Ct.2306, 119 L.Ed.2d.228, (1992);(see also): Menasco, Inc. v. Wasserman, 886 F.2d.681, (4th.cir.1989); Medallion Television Enters, Inc. v. Selec T.V. of California, Inc., 833 F.2d.1360(9th.cir.1987); cert. denied, 492 U.S. 917, 109 S.Ct.3241, 106 L.Ed.2d.588(1989).

The easiest way that this can be seen was; Mary was relying on testimony made by her daughter to get the appellant locked up in order to persuade the courts to rule in her favor as a victim to a crime against her daughter with her untruthful testimony. O'Conner, 155 wash.2d. at 335, 349; Aguilar, 975 F.2d.at 45, 47.

Mary made numerous statements that need to be weighed into this case such as:

She never took her daughter to medical to see if something more serious happened like any other concerned mother would. RP at 287.

Then she states about the issues of the flyers which was such a problem for her daughter to remember when these allegations started. RP at 291.

The story starts to fall apart about what was supposed to be said at trial because Mary now states that she asked her daughter if she wanted to get counseling but her daughter already stated that it was never offered. RP at 299(citing RP at 223).

Then you have one of the people involved in the investigation that states she doesn't remember if she ever offered the mother counseling RP at 322.

She then gets caught lying about this appellant ever paying any bills, RP at 307, or that he ever returned back to the house in April when she had already stated that he had not been there in months. RP at 308. (see): Appendix at 21-27

It has been established since at least 1935, that Laws of the United States that a conviction obtained through testimony the prosecutor knows to be false is repugnant to the Constitution. Mooney v. Holohan, 294 U.S. 103, 112, 55 S.Ct.340, 79 L.Ed.791(1935).

This was created in order to reduce the dangers of false convictions such as these not for the prosecutor to be simply a party in the litigation whose sole objective is a conviction of the defendant before him. The prosecutors Job is to be an officer of the court whose duty it is to present a forceful

and truthful case to the court, not to win at any cost which apparently this prosecutor is all she cared about at this trial. See, e.g. Jenkins v. Artuz, 294 F.3d.284, 296 n.2.(2d.cir.2000).

This perjured testimony was fundamentally unfair by this witness and her daughter (Alexis) and had affected the Judgment in this case by far. Agurs, 427 U.S. at 103, 96 S.Ct.2392; (see also): Shih Wei Su, 335 F.3d. at 129 United States v. Wallach, 935 F.2d.445, 456 (2d.cir.1991)(quoting Sanders v. Sullivan, 863 F.2d.218, 225 (2d.cir.1988)).

Reversal is automatic when testimony such as this is introduced. Shih Wei Su, 335 F.3d. at 127 (quoting Wallach, 935 F.2d at 456)), Agurs, 427 U.S. at 104, 96 S.Ct.2392.

Did The Prosecutor Com-  
mit Misconduct In This  
Trial To Require Reversal?

In order for this Appellant to prevail on a prosecutorial misconduct claim he will show that in the context of the entire record and all the trial circumstances that this prosecutors conduct was both improper and prejudicial in the trial. State v. Thorgerson, 172 wash.2d. 438, 442, 258 P.3d.43(2011); State v. Fisher, 165 wn.2d.727, 747, 202 P.3d.937 (2009); State v. Miles, 139 wash.App.879, 885, 162 P.3d. 1169 (2007).

Prejudice exists here because there is a substantial likelihood that this misconduct did in fact affect the verdict in this matter, State v. McKenzie, 157 wn.2d.44, 52, 134 P.3d.221 (2008).

(A). Prosecutorial Misconduct Prior To Closing Arguments.

There were multiple times that the prosecutor has asked opinion based by her witnesses due to the testimony regarding verbal and non-verbal impressions of deceptiveness of what another persons opinion is amounts to a manifest constitutional error, and that is not harmless. State v. Bar, 123 wn.App.373 (2004).

The prosecutor had flagrantly asked Dr. Duralde her opinion on issues and frayed away from the facts.RP at 126.

Then she allowed and led the testifying officer(Sanders) into an opinion based statement into the Appellants character and impression of when he was being questioned shows misconduct.RP at 429.

This opinion testimony was and is an error of Constitutional Magnitude and these errors are "not Harmless" given the Lack of evidence of this defendants guilt other than the victims false allegations. It's been stated in the past that a victims allegation or allegations in general alone cannot be harmless without "Hard Evidence" introduced or submitted. State v. Kirkman, 126 Wn.App. 97(2005); Bar, 123 Wn.App. at 373.

This court must now make a ruling that this Statement or statements were "unduly prejudicial" through the States witness' and is grounds for reversal. State v. Bourgeois, 133 Wn.2d.389, 403, 945 P.2d.1120(1997).

This prosecutor also allowed multiple false Statements enter the record through her witnesses of Mary and Alexis in prior arguments in this brief and is a mooney-Napue violation. (see): Hayes v. Brown, 399 F.3d.at 972, 978.

This Appellant has shown that the testimony "was" actually false(2) the prosecutor knew or should have known it was false, (3) the false testimony was clearly material here. United States v. Zuno Arce, 339 F.3d.at 886, 889.

#### (B). Closing Arguments.

The most damaging testimony made in this case was actually the prosecutor in her closing arguments and it was that the attorney of record was allowing it to happen being ineffective and not objecting and making it harder for this appellant to prove his innocence. State v. Russell, 125 Wash.2d.24, 93,

882 P.2d.747(1994)(quoting Jones v. Hogan, 56 wash.2d.23,27,351 P.2d.153(1960)).

The Defense counsels failure will not cure this misconduct due to it was so flagrant and ill-intentioned that there is ending and resulting prejudice and would have been incurable by the Statements made because it was a Judge trial. State v. Fisher, 165 wn.2d.747, 202 P.3d.937(2009)(citing State v. Gregory, 158 wn.2d.759, 841, 147 P.3d.1201(2006)).

The prosecutor made reversible errors numerous times by the following ways:

She made false statements in regards to Alexis screaming when she was in the room and her brother Tony stated in his testimony that he never heard her scream. Rp at 435-36 (citing RP at 267 and 272.

Then made false statements about the victim mistakenly believing that her brother told his mother because she had testified that he did tell her mom. RP at 436.

The prosecutor tries to vouch for the witness' credibility because everybody seems to state a different place where the victim told her mom, Tony states the patio, Alexis says the living room and Mary states it happens in the car and with testimony such as this "nobody" is truly reliable when it comes to the credibility here now. RP at 436-37.

It seems that the only truth being stated in the arguments here is when the victim states that the crime never really happened and that the only reason she had stated it was because of the flyers that were being handed out. RP at 439.

But the prosecutor wants to put great weight to the credibility of her witnesses that had been caught lying but try to discredit this appellants testimony as if he was lying and he actually had testified trying to prove his innocence and try to show these allegations were actually false, RP at 444-45; and then the prosecutor Just flagrantly calls this Appellant a liar without any type of actually and substantial proof. RP at 446.

The prosecutor is testifying as an expert witness on the crime and trigger factors of these type of crimes and is not certified to make these type of bold statements. RP at 448.

The prosecutor makes bold statements of vouching for the victim stating she has no motive to lie, RP at 470, and that is an error that requires either reversal or a dismissal at this magnitude. State v. Coleman, 155 wash.App.951, 957, 231 P.3d.212(2010); review denied, 170 wash.2d.1016, 245 ).3d.772 (2011). (see also): State v. Smith, 162 wash.App.833, 849, 262 P.3d.72(2011); Review denied, 173 wash.2d.1007, 271 P.3d.248 (2012).

This testifying on credibility for the witness had continued when the prosecutor testified for the victim about the credibility of whether or not if she was actually screaming because her brother stated she never screamed. RP at 472.

Then testified to credibility of the witness' and victims conflicting statements of choking and areas of disclosure. RP at 473.

The state may not assert its personal opinion as to the defendants guilt or a witness' credibility and this prosecutor did both in this case and tried to do it in one breath. State v. McKenzie, 157 wash.2d.44, 53, 134 P.3d.221(2006); State v. Reed, 102 wash.2d.140, 145, 684 P.2d.699(1984).

This prosecutor abused her wide latitude to argue her case "not" relying on any independant fact. McKenzie, 157 wash2d. at 53, 134 P.3d.221 (quoting State v. Armstrong, 37 wash.51, 54-55, 79 P.490(1905).

These are clear and unmistakable expressions of personal opinions on her part. McKenzie, 157 wash.2d.53-54, 134 P.3d.221; Anderson, 153 wash.App at 430, 220 P.3d.1273; Reed, 102 wash.2d. at 146, 684 P.2d.699, Holmes, 95 VRP at 8708, 8717, 8722, 8887, and 8882.

This prosecutor in her closing are flagrant enough to pressure arguments here for reversal. State v. Lindsay, 180 wn.2d.423, 441, 326 P.3d.125(2014).

It was fundamentally unfair for this prosecutor to knowingly

present this testimony of perjury. United States v. LaPage, 231 F.3d.488, 491, 271 F.3d.909 (9th.cir.2008). (see also): State v. Emery, 172 wn.2d.762, 202 P.3d.937(2009)(quoting Slattery v. City of Seattle, 169 wash.144, 148, 13 P.2d. 464 (1932)).

This appellant without these errors is actually innocent in every regard. Dretke v. Haley, 541 U.S. 386, 392, 124 S.Ct. 1847, 158 L.Ed.2d.659(2004); (see also) In re, Personal Restraint of Carter, 172 WN.2d.917, 263 P.3d.1241(2011).

Did This Appellant Receive  
Ineffective Assistance of Coun-  
sel At The Trial Stages?

It will be seen that there were numerous errors at the trial stages that require a reversal in this case that are clear and apparent in this case.

An issue of raising ineffective assistance of counsel usually occurs after trial has ended and it becomes an issue being raised for the first time on appeal.

Generally, an issue cannot be raised for the first time on appeal unless it is a manifest error affecting a constitutional right. R.A.P. 2.5(a)(3).

In order for this appellant to have this issue reviewed in this matter, he must establish prejudice in order to establish that error is manifest and that is exactly what he has done in prior arguments in this brief and will show more pursuant to this.State v. Manguia, 107 Wn.App.328, 340, 26 P.3d.1017(2001). (citing State v. McFarland, 127 wn.2d.322, 333, 899 P.2d.1251 1995)); Review denied, 145 wn.2d.1023(2002).

The Federal and State Constitutions "guarantees" a criminal defendant the right to effective assistance of counsel at all stages of trial. U.S. Const.Amend.VI, WA. Const.Art.1 § 22; (see also): State v. Heddrick, 166 wn.2d.898, 909-10, 215 P.3d. 201(2009); State v. Everybodytalksabout, 161 wn.2d.702, 708, 166 P.3d.693(2007); State v. Robinson, 153 wn.2d.689, 694, 107 P.3d.90(2005).

The most critical issue here seems to be the fact that the Court relies on the victims Brother, Tony of credibility to get this conviction.

When you review his testimony there not only seems to be inconsistencies in his version compared to his sisters about the events, but they seem to be clearly rehearsed.

When you see the statements made you must then wonder what this attorney was thinking as this testimony was being made as follows:

Tony states that he never talked to his sister about the issue and his girlfriend, Nichole never told him anything about this issue. RP at 265.

He states the door would be locked, but if he checked the lock, then why would he not knock if his intentions were to go in the room? RP at 266.

He stated he never heard any screams and was listening when they went in the room, why? RP at 267, 272.

Then he had never mentioned the issue of pinning down his sister in a prior interview before trial, why? RP at 273.

This is simple these statements were fabricated and coerced in order to make a plausible story in order to convict Mr. George.

This attorney should have asked simple questions such as "Why did you not knock on the door when it was locked?" OR "Why did you go to the door in the first place?" OR "What makes you remember Mr. George and your sister go in the master room, ("exactly 5 times")? OR "What stuck out for you to remember this since you never heard your sister Scream?"

A defendant claiming ineffective assistance of Counsel must show deficient performance and resulting prejudice and for an attorney not to ask these type of questions clearly shows this here, Strickland v. Washington, 466 U.S. 668, 687, 104 S.Ct.2052, 80 L.Ed.2d.674(1984); and it fell below an objective standard. Id at 688; (see also): State v. Tilton, 149 wash..2d. 784, 72 P.3d.735(2003).

When an attorney is not prepared for trial or makes plain errors such as these you must come to the conclusion that it



shows actual mismanagement and gross negligence in part of the attorney representation as any other court proceeding whether it be criminal or civil the same rule applies. Wernsing v. Thompson, 423 F.3d.(7th.cir.2005); Langford v. Norris, 614 F.3d. 445(8th.cir.2010); Smith v. Central Dauphin School Dist. No. 07-3822(3d.cir.2009); Luh v. L.M. Huber Corp., 211 Fed.Appx.143 (4th.cir.@006); Cindrich v. Fisher, No: 06-2615(3rd.cir.2009); Nunley v. Dept. of Justice, 425 F.3d.1132(8th.cir.2005); Fiber Systems International Inc. v. Roehrs, 470 F.3d.1150, 80 U.S.P.Q. 2d.1902(5th.cir.2006); Pickens v. shell Technology Ventures, Inc., No: 04-20272(5th.cir.2004); Miller v. Morris Communications Co.LLC, No: 06-11069 (11th.cir.2007); Ferencich v. Merritt, No: 02-6222(10th.cir.2003); Taylor v. Peerless Indus.Inc., 322 Fed.Appx.355, (5th.cir.2009); United States v. Comprehensive Drug Testing, Inc., 473 F.3d.915 (9th.cir.2006); Meloff v. New York Life Insurance Co., 240 F.3d.138(2d.cir.2001).

This appellant tried to raise his concerns about issues prior to trial about witnesses should be brought totally to testify about why he should not have a Jury Trial and about how Mary was using these accusations to get Mr. George out of the way in order to take all the things accumulated and have the court assist her in this way and this attorney (Roger-Kemp) only tried to partially argue argue the divorce and then let it go away without any true argument. RP at 52.

Presenting one's own defense also affirms individual dignity and autonomy. MaKaskle v. Wiggins, 465 U.S. 168, 176-77, 104 S.Ct.944, 79 L.Ed.2d.122(1984).

In order to further the truth-seeking function of trial and to respect the defendants dignity and autonomy, the Sixth Amendment recognizes the defendants right to control important strategic decisions. McKaskle, 465 U.S. at 177, 104 S.Ct.944.

This attorney violated the Appellants Sixth Amendment Fundamental Rights to make important critical decisions about the course of this defense that is mandated by respect for "his Freedom" as a person and now caused an unjust conviction. State v.Jones, 99 wash.2d.735, 742, 664 P.2d.1216(1983) (quoting

Frendak v. United States, 408 A.2d.364, 376(D.C.cir.1979).

Considering the cases this attorney has handled in the past there may have well been a conflict of Interest on her part but avoided the fact ~~because~~ she also seen an easy paycheck without repercussions. In re Richardson, 100 wash.2d.669,675 P.2d.209(1983).

This court could easily see that there was something that either affected her performance "or" she lacks the skills to be an attorney. Richardson, 100 wash.2d.at 677, 675P.2d.209; see, e.g. Herring v. New York, 422 U.S. 853, 862, 95 S.Ct.2550, 45 L.Ed.2d.593(1975); Faretta v. California, 422 U.S. 806, 818-21, 95 S.Ct.2525, 45 L.Ed.2d.562(1975); Washington v. Texas, 388 U.S.14, 19, 87 S.Ct.1920, 18 L.Ed.2d.1019(1967).

In addition, a trial court commits reversible error if it knows or reasonably should have known of a particular conflict into it fails to inquire; Richardson at 677, Holloway v. Arkansas, 435 U.S. 475, 98 S.Ct.1173, 55 L.Ed.2d.426(1978); or when the defense attorneys here owes duties to Mr. George and whose interests are adverse to those of his. State v. White, 80 wn.App. at 411-12.

These general rules are applicable to any situation where a defendant alleges ineffective assistance of counsel related to counsels representation such as conflicting interests. Richardson at 677; State v. Hatfield, 51 wash.App. 408, 410, 754 P.2d.136(1988).

This could easily fall under a structural error that require automatic reversal since there was a complete lack of counsel in this case.; Gideon v. Wainwright, 372 U.S.335, 342-44, 83 S.Ct.792, 9 L.Ed.2d.799(1963); and Judicial bias which will be argued pursuant to this. Tumey v. Ottio, 273 U.S. 510, 535, 47 S.Ct.437, 71 L.Ed.749(1927).

If the court now reviewing this matter takes out all the errors in this matter and review the balance of evidence in this case there would be no case left. State v. Grier, 171 wash.2d.17,33,246 P.3d.1260(2011); 168 wash.App.635, 278 P.3d. 2012; State v. Henderson, 129 wash.2d.78, 917 P.2d.563(1996).

An Attorneys failure to investigate into these issues that are being argued here also amounts to having ineffective assistance of counsel since the investigation lacked here since there were no photos of the bedroom and how the locking mechanism worked or was located. In re pers. Restraint of Carter, 172 wn.2d.917, 263 P.3d.1241(2011).

All this evidence is relevant and was readily available for discovery prior to trial had this appellants attorney (Roger-Kemp), would have exercised reasonable Due Dillgence. State v. Macon, 128 wn.2d.784, 799-800, 911 P.2d.1004(1996).

This court must be clear about this issue and that is this defendant had received ineffective assistance of counsel when his trial counsel failed to follow the procedural requirements of ER 613(b) and Impeach these States witnesses with prior incosistent statements. State v. Horton, 116 wash.App.909, 916-17, 68 P.3d.1145(2003).

Did The Trial Judge Abuse  
His Discretion On His Deter-  
mination of Credibility of  
The States Witnesses?

When this court reviews the determination of what the trial Judge used to determine guilt of Mr. George stating that the victims brother was creditable and cooborates with the victims Statements violates the opinion evidence standard. State v. Demery, 144 wash.2d.753, 759, 30 P.3d.1278(2001).

It was seen that this trial Judges determination was based on inconsistent by the victim and then unbelievable facts by the victims brother. RP at 486.

This court must re-analyze what this victims brother had stated such as him going to the locked door but not knocking or saying anything and being there all five times. RP at 264-274.

Due Process, the appearance of fairness, and the Code of Judicial Misconduct requires disqualification of a Judge

who is biased against a party or whose impartiality may be reasonably questioned as was apparent since this Judge could not be impartial to Mr. George's past sex offense. Wolfkill Feed and Fertilizer Corp. v. Martin, 103 wash.App.836, 841, 14 P.3d.877(2000).

This is clear that it happened here because of the determination of what the Judge relied upon by not being able to be impartial. State v. Bilal, 77 wash.App.720, 722, 893 P.2d.674 (1995).

A witness may be impeached as to their credibility by a prior inconsistent statement and the Judge had regardless of the attorney failure to object could or should have clearly seen these inconsistencies. State v. Classen, 143 wash.App.45, 59, 176 P.3d.582(2008); Saldivar v. Momah, 145 wash.App.365, 400, 186 P.3d.1117, (2008).

Where competing documentary evidence must be weighed and issues of credibility resolved the substantial evidence standard must now be applied here. Dolon v. King County, 172 wash.2d.299, 310, 258 P.3d.20(2011).

This court must now review this trial courts decision to use these inconsistent statements as an abuse of discretion. State v. Johnson, 90 wash.App.54, 69, 950 P.2d.981(1998)(citing state v. Ortiz, 119 wash.2d.294, 308, 831 P.2d.1060(1992)).

A trial court decision is manifestly unreasonable if the court, despite applying the correct legal Standard to the supported facts, adopts a view that no reasonable person would take. Mayer v. Rohrich, 149 wash.2d.647, 654, 71(2003) (quoting State v. Lewis, 115 wash.2d.294, 298-99, 797 P.2d.1141 (1990); (see also): State v. vy Thong, 145 wash.2d.630, 642, 41 P.3d.1159(2002).

Did This Appellant Receive  
Ineffective Appellant Counsel?

(Pg. 28 of 30)

It is clear that when this appellant came forth to argue that he never received his transcripts and had to file a motion to have this court to intervene shows that this appellate attorney is in fact ineffective and all these issues now raised in this statement of Additional grounds shows what is being failed to be raised in the Direct Review. (see): In re Personal Restraint of Orange, 152 wash.2d.795, 814, 100 P.3d.291(2004).

For this Appellant to show that this Appellant Counsel was ineffective he will show that (1) counsel's performance was deficient and (2) this deficient performance had actually prejudiced this defendant. Orange, 152 wash.2d. at 814, 100 P.3d.291, Smith v. Robbins, 528 U.S.259, 285, 120 S.Ct.746, 146, L.Ed.2d.756(2000).

This attorney failed to make a proper record of sufficient completeness in order to properly consider these assignments of errors on this appeal that violates this appellants Due Process. Draper v. Washington, 372 U.S. 487, 497, 83 S.Ct.774, 9 L.Ed.2d.899 (1963); State v. Larson, 62 wash.2d.64, 66-67, 381 P.2d.120(1963).

He also failed to look into the mental Health issue and all other possibilities which had they been done would have made these proceedings much different here, especially since over "\$10,000.00" was already paid to Kent Underwood for this minimal Job. In re Pers. Restraint of Hutchinson, 147 wash.2d.197, 206, 53 P.3d.17(2002). In re Pers. Restraint of Brett, 142 wash.2d.868, 873, 16 P.3d.601(2001). (see): Appendix at 28-30

This attorneys misconduct shows now on this record and must be considered for violating RPC 4-8.4(d) by being dishonest with his client and this court. In re Disciplinary Matter of Michael Fletcher, No. 03-272, Slip op at 5-6 (W.D.Mo.May 18, 2004). This court can reverse on ineffective Appellant Counsel alone. In the matter of the Pers. Restraint Petition of Patrick L. Morris, 176 wn.2d.157, 288 P.3d.1140 (2012).

This court must review this statement of Additional Grounds due to it has substantial merit and Justice so requires, State v. Gilbert, 68 Wn.App.379, 384, 842 P.2d.1029(1993); (see also): State v. Webb, 167 Wn.App.470, 219 P.3d.695(2009); Dretke v. Haley, 541 U.S. 386, 392, 124 S.Ct.1847, 158 L.Ed.2d.659 (2004).

### III. CONCLUSION

The appellant now comes forth and requests this court to order the following relief in this matter:

- (1). Dismiss all charges with Prejudice, or
- (2). Reverse all charges and Remand for a New Trial.

I swear under the penalty of perjury that all Statements are true to the best of my knowledge.

DATED this 16th day of April, 2015.

  
Pro-se Litigant Assistant

  
Appellant

APPENDIX

IN THE PUYALLUP TRIBAL COURT  
PUYALLUP INDIAN RESERVATION  
TACOMA, WA.

Harold S. George,  
Petitioner,

vs.

Mary Moran-George,  
Respondent.

Case #: PUY-CV-DISS-2013-0028

MOTION TO INVALIDATE  
MARRIAGE LICENSE ENACTED  
IN THIS COURT'S AUTHORITY  
OF LAW.

COURT CLERK'S ATTENTION  
REQUIRED:

I. FACTS

The Petitioner comes forth now to request this Court to act upon this Motion pursuant to Fed.R.clv.P. 60(b)(4)(5) and (11).; for the following:

- (1). That the Respondent filed a fraudulent Marriage License within this Court's Jurisdiction;
- (2). The same respondent that acted fraudulently by filing a marriage of Dissolution in this Court's jurisdiction;
- (3). The Petitioner was incarcerated on the dates of this marriage and could not have participated or signed any such documents of this marriage;
- (4). The respondent has now committed forgery with the acts to steal real property while the Petitioner is now incarcerated again under these intentions;
- (5). The respondent committed this act of marriage with another party while the petitioner was incarcerated during these proceedings;
- (6). The respondent's attorney (John Frawley) has assisted in these criminal acts and has created outrageous fees for this divorce and these decisions for the denial



of dissolution of marriage in this court are relevant to the current Appeal to the Marriage Dissolution in Pierce County; and

- (7). This court has the Authority to intervene and show that this marriage license is invalid and this court should rule that it was and is void in the context of State and Federal Law.

## II. Argument

Does the Petitioner have the merit to have this court now Review these facts and order the respondent to Court for her Illegal Actions to now Explain?

The Petitioner now wants this court to order the Respondent and her attorney to now bring forth her witnesses and her documentation from the Department of Corrections to show that this marriage was ever valid. (see Appendix).

It will become apparent when this court reviews this Respondent's actions along with her attorney that all her actions amount to fraud and forgery and that this court should not only rule that this marriage was invalid but also she and her attorney have been committing forgery. State v. Thompson, 194 Ariz. 295, 981 P.2d 595, 108 A.L.R. 5th 859 (Ct.App.Div. (1999)).

Due to these actions this court should now exercise its jurisdiction to Resolve this dispute since its this Jurisdiction that the license was created in.

## III. CONCLUSION

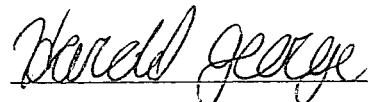
The petitioner now requests that this court do do the following:

- (1). Make an Order stating that the Marriage License is invalid and void;

- (2). Charge the Respondent with the crimes of Fraud and Forgery; and
- (3). Send all verbatim of Proceedings of prior hearings and this hearing to the Petitioner for free of Charge due to he is indigent due to the Respondents actions complained of herein.

I swear under the penalty of perjury that all Statements are true to the best of my knowledge.

Dated this 26th Day of February, 2015.



Harold S. George  
PUY-CV-DISS-2013-0023

# APPENDIX



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

APPLICABILITY

**PRISON**

OFFENDER/SPANISH MANUALS

REVISION DATE

3/15/13

PAGE NUMBER

1 of 8

NUMBER

DOC 590.200

## POLICY

TITLE

OFFENDER MARRIAGES AND STATE REGISTERED  
DOMESTIC PARTNERSHIPS

### REVIEW/REVISION HISTORY:

Effective: 12/7/84 DOC 730.010  
Revised: 10/1/85  
Revised: 11/20/87 DOC 590.200  
Revised: 4/11/03  
Revised: 12/1/06  
Revised: 3/20/08  
Revised: 3/10/09  
Revised: 1/18/11  
Revised: 11/19/12  
Revised: 3/15/13

### SUMMARY OF REVISION/REVIEW:

V.A.1. - Added that the facility Chaplain will supervise the ceremony

### APPROVED:


Signature on file

\_\_\_\_\_  
**BERNARD WARNER**, Secretary  
Department of Corrections

\_\_\_\_\_  
3/5/13

Date Signed

\$

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p><b>POLICY</b></p>	APPLICABILITY <b>PRISON</b> OFFENDER/SPANISH MANUALS		
	REVISION DATE 3/15/13	PAGE NUMBER 2 of 8	NUMBER DOC 590.200
	TITLE <b>OFFENDER MARRIAGES AND STATE REGISTERED DOMESTIC PARTNERSHIPS</b>		

#### REFERENCES:

DOC 100.100 is hereby incorporated into this policy; RCW 26.04; RCW 26.60; WAC 137-54-030; WAC 137-54-040; ACA 4-4277; DOC 100.500 Offender Non-Discrimination; DOC 400.030 Security Guidelines for Wireless Portable Technology in Facilities; DOC 450.300 Visits for Prison Offenders; DOC 540.105 Recreation Program for Offenders; DOC 590.100 Extended Family Visiting; DOC 700.100 Class III Offender Employment and Compensation

#### POLICY:

- I. The Department will provide a means for offenders to marry or enter into state registered domestic partnerships during their incarceration. The Department neither approves nor disapproves of offender marriage or domestic partnership. [4-4277]
- II. Offender marriages must comply with RCW 26.04. Offender state registered domestic partnerships must comply with RCW 26.60.
- III. Applicants must adhere to the policy requirements to be considered for programs and privileges offered for married individuals/state registered domestic partners.

#### DIRECTIVE:

- I. Requirements
  - A. Offenders must be under Department jurisdiction for one year before beginning the marriage/state registered domestic partnership application process.
  - B. Offenders in Segregation or in an Intensive Management Unit (IMU) or Close Observation Area cannot initiate a marriage/state registered domestic partnership application.
  - C. Application processing may be suspended while an offender is in IMU or a Close Observation Area.
    1. When the application process is suspended, a chrono will be entered in the offender's electronic file, and the documents will be scanned into the offender's electronic imaging file. The original documents will be returned to the appropriate person.
  - D. Offenders who are boarders must have permission from the Out-of-State Department or the Regional Director of the Federal Bureau of Prisons.
  - E. Both the offender and the intended spouse/state registered domestic partner must be eligible to legally marry or enter into a state registered domestic partnership in Washington State.



STATE OF WASHINGTON  
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TITLE

**OFFENDER MARRIAGES AND STATE REGISTERED  
DOMESTIC PARTNERSHIPS**

F. The intended spouse/state registered domestic partner must be on the offender's approved visitor list per DOC 450.300 Visits for Prison Offenders.

1. Eligibility for extended family visits will be determined per DOC 590.100 Extended Family Visiting.

### II. Marriage Application

A. Both the offender and the intended spouse/state registered domestic partner must submit written intent to marry or enter into a state registered domestic partnership.

1. The offender will send DOC 20-213 Marriage/State Registered Domestic Partnership Application For Intended Spouse/State Registered Domestic Partner Use to his/her intended spouse/state registered domestic partner. The form is also available on the Department's website at <http://www.doc.wa.gov/>.
2. The intended spouse/state registered domestic partner will complete and submit the form to the offender's Counselor with the following documents attached:
  - a. Copy of his/her photo identification,
  - b. Certified copy of his/her birth certificate, and
  - c. Certified copies of divorce/dissolution decrees for all prior marriages/state registered domestic partnerships, as applicable.
3. The offender will complete DOC 20-214 Marriage/State Registered Domestic Partnership Application For Offender Use, attach a certified copy of his/her birth certificate and certified copies of divorce/dissolution decrees for all prior marriages/state registered domestic partnerships, as applicable, and submit them to his/her Counselor.

B. The Counselor will process applications using DOC 20-443 Marriage/State Registered Domestic Partnership Process Checklist and will review the submitted documents to determine eligibility for marriage/state registered domestic partnership.

C. The Facility Risk Management Team will decide whether the application process should continue. If the application is denied, the Correctional Unit Supervisor will notify the offender and intended spouse/state registered domestic partner, in writing, of the reason for denial (e.g., failure to meet eligibility requirements).



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

## POLICY

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**OFFENDER MARRIAGES AND STATE REGISTERED  
DOMESTIC PARTNERSHIPS**

- D. If approved to proceed, the offender must sign DOC 20-215 Marriage/State Registered Domestic Partnership Approval for Release of Information to allow his/her Counselor to provide written information to the intended spouse/state registered domestic partner regarding the offender's criminal history, current offense, and sentence timeline.
- E. The Counselor will provide the intended spouse/state registered domestic partner an updated Criminal Conviction Record (CCR) and an official description of the offender's current conviction.
- F. The intended spouse/state registered domestic partner must sign DOC 20-215 Marriage/State Registered Domestic Partnership Approval for Release of Information indicating s/he has read and understands the information received and still wishes to marry or enter into a state registered domestic partnership with the offender.
- G. The Correctional Unit Supervisor will send DOC 20-218 Marriage/State Registered Domestic Partnership Approval Routing and the following completed forms to the Superintendent/designee with copies of all birth certificates and divorce/dissolution decrees:
  - 1. DOC 20-213 Marriage/State Registered Domestic Partnership Application For Intended Spouse/State Registered Domestic Partner Use,
  - 2. DOC 20-214 Marriage/State Registered Domestic Partnership Application For Offender Use, and
  - 3. DOC 20-215 Marriage/State Registered Domestic Partnership Approval for Release of Information.
- H. The offender will meet with the Superintendent/designee to discuss the marriage/state registered domestic partnership process. The Superintendent has final approval for all offender requests to marry or enter into state registered domestic partnership.
  - 1. The entire packet will be scanned into the offender's electronic imaging file after a final decision is made and the forms are signed.

### III. Counseling

- A. The offender and the intended spouse/state registered domestic partner will participate in counseling prior to marriage or entering into a state registered domestic partnership. The counseling will be conducted by the officiating clergy, if qualified, or a certified professional counselor obtained by the couple.

8

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p><b>POLICY</b></p>	APPLICABILITY <b>PRISON</b> OFFENDER/SPANISH MANUALS		
	REVISION DATE 3/15/13	PAGE NUMBER 5 of 8	NUMBER <b>DOC 590.200</b>
	TITLE <b>OFFENDER MARRIAGES AND STATE REGISTERED DOMESTIC PARTNERSHIPS</b>		

B. The clergy or certified professional counselor will be provided with the offender's criminal history and complete DOC 20-444 Marriage/State Registered Domestic Partnership Counseling Requirements.

1. The couple will be responsible for any costs associated with the counseling.
2. The counseling will include a full disclosure of the offender's criminal history to the intended spouse/state registered domestic partner.
3. Minor children and other family members living in the home may be included in the counseling.
4. Counseling may be conducted by telephone.

#### IV. License/Certificate

A. After the Superintendent has approved the marriage/state registered domestic partnership request, the intended spouse/state registered domestic partner is responsible for obtaining the license/certificate.

1. The intended spouse/state registered domestic partner will pick up the license application/declaration and send it to the offender, who will sign it in front of a notary public.
2. The offender will then return the license application/declaration to the intended spouse/state registered domestic partner, who will obtain the license/certificate.

#### V. Ceremony

A. A ceremony will be held for offender marriages in compliance with state statute. While not legally required, a ceremony will be offered to offenders entering into a state registered domestic partnership.

1. The facility Chaplain will supervise the ceremony, which will be performed by:
  - a. An outside officiant (e.g., magistrate, clergy, etc.) obtained by the offender and intended state registered domestic partner, or
  - b. The facility Chaplain directly or a contract Chaplain or religious volunteer clergy, at his/her own discretion, consistent with state requirements and the requirements of his/her endorsing agency or religious group/denomination.





STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

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**OFFENDER MARRIAGES AND STATE REGISTERED  
DOMESTIC PARTNERSHIPS**

2. Any outside officiant must clear a National Crime Information Center (NCIC) background check and have Superintendent/designee approval based on the following:
  - a. An officiant performing a religious ceremony must:
    - 1) Be qualified under RCW 26.04 to perform marriages in Washington State,
    - 2) Have no felony convictions within the past 10 years, and
    - 3) Submit a certified document verifying his/her authority to perform the ceremony as recognized by the offender's religious or faith-based organization, along with a current letter of appointment or a letter stating s/he is in good standing from the ordaining body or religious authority.
  - b. A member of the judiciary performing a civil ceremony must submit his/her letter of appointment or oath of office.
- B. The couple will be responsible for costs associated with the ceremony.
- C. The ceremony will be private and conducted without media coverage. In addition to the couple and officiant, the following individuals may attend the ceremony:
  1. Ceremony participants required by the religion or faith-based organization of the offender or intended spouse/state registered domestic partner. Participants must clear an NCIC background check and require Superintendent/designee approval.
  2. Children of the offender and/or intended spouse/state registered domestic partner.
  3. A professional photographer, who must clear an NCIC background check and requires Superintendent/designee approval.
  4. Up to 6 other attendees, as approved by the Counselor. Attendees must be on the offender's approved visitor list or be approved through the special visit process.
  5. One offender, if approved by the Superintendent/designee.
- D. All attendees must comply with dress standards in DOC 450.300 Visits for Prison Offenders. Exceptions require Superintendent/designee approval.



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**OFFENDER MARRIAGES AND STATE REGISTERED  
DOMESTIC PARTNERSHIPS**

- E. Any items brought into the facility by an outside officiant or attendee require approval from the Superintendent/designee in advance. Religious items will be consistent with the requirements for allowable religious items per DOC 560.200 Religious Programs.
- F. The offender and intended spouse/state registered domestic partner must read, sign, and follow DOC 20-219 Acknowledgment of DOC 590.200 Offender Marriages and State Registered Domestic Partnerships.
- G. After the ceremony, the Superintendent/designee will complete the Authorized Marriage/State Registered Domestic Partnership Report section of DOC 20-218 Marriage/State Registered Domestic Partnership Approval Routing. The form will be scanned into the offender's electronic imaging file, along with a copy of the certificate and/or license.

### VI. Photographs

- A. Photography will meet the following requirements:
  - 1. The couple will be responsible for any costs associated with photography.
  - 2. Offender photographers will comply with DOC 540.105 Recreation Program for Offenders and/or DOC 700.100 Class III Offender Employment and Compensation, as applicable.
  - 3. Photographs will be reviewed for content and compliance with policy.
    - a. Photographs with suggestive or rude posturing, gang signs, or the appearance of gang affiliation will not be permitted.
    - b. Offenders will not be photographed with other offenders except with Superintendent/designee approval.
- B. If a digital camera is available at the facility, the intended spouse/state registered domestic partner may bring a memory card to use in the camera consistent with DOC 400.030 Security Guidelines for Wireless Portable Technology in Facilities.

### DEFINITIONS:

Words/terms appearing in this policy may be defined in the glossary section of the Policy Manual.

### ATTACHMENTS:

None



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

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## POLICY

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**OFFENDER MARRIAGES AND STATE REGISTERED  
DOMESTIC PARTNERSHIPS**

### DOC FORMS:

DOC 20-213 Marriage/State Registered Domestic Partnership Application For Intended Spouse/State Registered Domestic Partner Use

DOC 20-214 Marriage/State Registered Domestic Partnership Application For Offender Use

DOC 20-215 Marriage/State Registered Domestic Partnership Approval for Release of Information

DOC 20-218 Marriage/State Registered Domestic Partnership Approval Routing

DOC 20-219 Acknowledgment of DOC 590.200 Offender Marriages and State Registered Domestic Partnerships

DOC 20-443 Marriage/State Registered Domestic Partnership Process Checklist

DOC 20-444 Marriage/State Registered Domestic Partnership Counseling Requirements



MARRIAGE/STATE REGISTERED DOMESTIC  
PARTNERSHIP APPLICATION  
For Offender Use

This marriage application will be completed by the offender and returned to his/her Counselor for processing.

Offender Name \_\_\_\_\_ DOC Number \_\_\_\_\_

Intended Spouse/State Registered  
Domestic Partner Name \_\_\_\_\_ Date of Birth \_\_\_\_\_

Address \_\_\_\_\_

Please answer the following questions (use an additional sheet(s) of paper as needed):

How long have you known your intended spouse/state registered domestic partner? Years \_\_\_\_\_ Months \_\_\_\_\_

What is the nature of the relationship? \_\_\_\_\_

Do you have children belonging to both of you? ☐ Yes ☐ No

Do children reside with the intended spouse/state registered domestic partner? ☐ Yes ☐ No

List name and ages of all children: Name \_\_\_\_\_ Date of Birth \_\_\_\_\_  
Name \_\_\_\_\_ Date of Birth \_\_\_\_\_  
Name \_\_\_\_\_ Date of Birth \_\_\_\_\_

Are you legally restricted in your Judgment and Sentence from  
marrying/entering into a state registered domestic partnership?

Do you have any history of domestic violence either as a  
victim or a perpetrator? If yes, please give details.

How can you aid in the support of your intended spouse/state  
registered domestic partner?

Are you aware that once married/entered into a state registered domestic  
partnership, you may become financially responsible for the intended  
spouse/state registered domestic partner's debt, fines, and credit history?

If you have been in a prior marriage/common law relationship/state registered domestic partnership, please complete the following  
information:

Name of Former Spouse/ State Registered Domestic Partner	Date and Place	Date of Divorce/Dissolution or Legal Separation

I acknowledge that I am legally free to marry/enter into state registered domestic partnership and I am not being pressured to do so.

Signature \_\_\_\_\_ Date \_\_\_\_\_

COMPLETED BY COUNSELOR

Date Form Received \_\_\_\_\_ Counselor Comments \_\_\_\_\_

How long has the offender been at this facility? Years \_\_\_\_\_ Months \_\_\_\_\_ What is the tentative release date? \_\_\_\_\_

The contents of this document may be eligible for public disclosure. Social Security Numbers are considered confidential information and will  
be redacted in the event of such a request. This form is governed by Executive Order 00-03, RCW 42.56, and RCW 40.14.

FILED

2015 APR -1 AM 11:00

PUYALLUP TRIBAL COURT

JW

IN THE TRIBAL COURT OF THE PUYALLUP TRIBE OF INDIANS  
FOR THE PUYALLUP INDIAN RESERVATION  
TACOMA, WASHINGTON

MARY MORAN-GEORGE

Petitioner,

Case No. PUY-CV-DISS-2013-0028

vs.

MINUTE NOTE ORDER

HAROLD GEORGE

Respondent,

The following proceeding or action occurred on March 31, 2015 in the Puyallup Tribal Court.

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Initial Hearing           | <input type="checkbox"/> Pre-Trial Hearing | <input type="checkbox"/> Motion Hearing    |
| <input type="checkbox"/> Default Hearing           | <input type="checkbox"/> Custody Hearing   | <input type="checkbox"/> Trial             |
| <input type="checkbox"/> Contempt of Court Hearing | <input type="checkbox"/> Review Hearing    | <input checked="" type="checkbox"/> Other: |

**Persons Present in Court:**

- |  |  |
|--|--|
| <input type="checkbox"/> Petitioner: _____     | <input type="checkbox"/> Respondent: _____         |
| <input type="checkbox"/> Petitioner: _____     | <input type="checkbox"/> Respondent Counsel: _____ |
| <input type="checkbox"/> Expert Witness: _____ | <input type="checkbox"/> Other: _____              |

**Evidence-Action**

The respondent Harold George (George) moved for a telephonic appearance due to his incarceration. George requests to be heard on his Motion to Invalidate Marriage License set for Tuesday, April 14, 2015 at 9:00 a.m. The court finds good cause to allow the respondent to appear telephonically.

Order by the Court

The respondent's Motion to Appear Telephonically is GRANTED.

Appearance Date: ( ) Hearing/Trial ( ) Jury Trial  
(X) Motion ( ) Other: \_\_\_\_\_

The Court further orders the petitioner to appear before the Court for respondent's Motion to Invalidate Marriage License on the 14 th day of April, 2015 at 9:00 a.m.

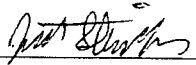
**FAILURE TO APPEAR AFTER PROPER NOTICE IS CONSIDERED CONTEMPT OF COURT WHICH MAY RESULT IN THE COURT ISSUING A BENCH WARRANT AGAINST YOU OR GRANTING A DEFAULT JUDGMENT AGAINST YOU FOR FAILURE TO APPEAR.**

Dated: March 31, 2015

  
Anthony F. Little, Associate Judge

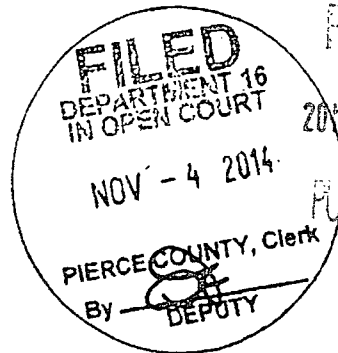
Distribution:

Court File  
Plaintiff/Petitioner \_\_\_\_\_  
Plaintiff/Petitioner's Counsel \_\_\_\_\_  
Defendant/Respondent \_\_\_\_\_  
Defendant/Respondent's Counsel \_\_\_\_\_  
Other \_\_\_\_\_

By Court Clerk   
John Strickler



14-3-01817-6 43565952 DCD 11-05-14



FILED

2015 MAR 12 PM 4:54

PUYALLUP TRIBAL COURT

**Superior Court of Washington, County of Pierce**

In re the Marriage of:

No. 14-3-01817-6

Mary E. Moran-George,

☒ Decree of Dissolution (DCD)

Petitioner,

☐ Clerk's action required

And

☐ Law enforcement notification, ¶ 3.8

Harold S. George,

Respondent.

**I. Judgment Summaries**

**1.1 Real Property Judgment Summary:**

☒ Real Property Judgment Summary is set forth below:

Name of Grantor: Harold S. George

Name of Grantee: Mary Moran-George

Assessor's property tax parcel or account number:

Legal description of the property awarded (including lot, block, plat, or section, township, range, county and state): LOT 1 OF SHORT PLAT NO. 80-331, AS RECORDED IN VOLUME 42 OF SHORT PLATS, PAGE 94, RECORDS OF PIERCE COUNTY AUDITOR; SITUATE IN THE COUNTY OF PIERCE, STATE OF WASHINGTON.

**1.2 Money Judgment Summary:**

☒ Does not apply. Judgment Summary is set forth below.

A. Judgment creditor:

Mary Moran

B. Judgment debtor:

Harold George

C. Principal judgment amount:

\$ 0

D. Interest to date of judgment:

\$ 0

E. Attorney fees:

\$ 1,500

F. Costs:

\$ 376

G. Other recover amount:

\$ 0

Decree (DCD) (DCLGSP) (DCINMG) - Page 1 of 5  
WPF DR 04.0400 Mandatory (12/2012) - RCW 26.09.030; .040; .070 (3)

ORIGINAL

John Frawley  
Attorney at Law  
5800 235th Street SW  
Mountlake Terrace, WA 98043  
TELEPHONE (425) 778-9276  
FAX (425) 778-9275

- 1 H. Principal judgment shall bear interest at 12 % per annum  
2 I. Attorney fees, costs, and other recover amounts shall bear interest at 12 % per  
3 annum  
4 J. Attorney for judgment creditor: John Frawley  
5 K. Attorney for judgment debtor: N/A  
6 L. Other: \_\_\_\_\_

7  
8 **End of Summaries**

9 **II. Basis**

10 Findings of Fact and Conclusions of Law have been entered in this case.

11 **III. Decree**

12 **It is decreed that:**

13 **3.1 Status of the Marriage**

14 ☒ The marriage of the parties is dissolved.

15 **3.2 Property to be Awarded the Petitioner**

16 ☒ The petitioner is awarded as separate property the following property (list real  
17 estate, furniture, vehicles, pensions, insurance, bank accounts, etc.):

- 18 1. Real property located at 14612 230<sup>th</sup> Street E, Graham, Washington, legally  
19 described as follows: LOT 1 OF SHORT PLAT NO. 80-331, AS RECORDED IN  
20 VOLUME 42 OF SHORT PLATS, PAGE 94, RECORDS OF PIERCE COUNTY  
21 AUDITOR; SITUATE IN THE COUNTY OF PIERCE, STATE OF WASHINGTON. Tax  
22 parcel number:  
23 2. All household goods, furnishings, and supplies currently in her possession.  
24 3. All personal effects and clothing belonging to her.  
25 4. All benefits accruing to her by virtue of her employment.  
26 5. All bank accounts in her name alone.  
27 6. Any and all property inherited from the estate of Mary Hall.  
28 7. 2002 Chevrolet Avalanche.

29 **3.3 Property to be Awarded to the Respondent**

30 ☒ The respondent is awarded as separate property the following property (list real  
31 estate, furniture, vehicles, pensions, insurance, bank accounts, etc.):  
32



1. All real property which would be identified as Puyallup Tribal Land.
2. All household goods, furnishings, and supplies currently in his possession or control.
3. All personal effects and clothing belonging to him.
4. All benefits accruing to him by virtue of his employment.
5. All bank accounts in his name alone.

**3.4 Liabilities to be Paid by the Petitioner**

☒ The petitioner shall pay the following community or separate liabilities:

1. All liens and encumbrances attached to the real property awarded to her in paragraph 3.2. above.
2. All obligations in her name alone.
3. All liabilities incurred by her following the parties' separation.

Unless otherwise provided herein, the petitioner shall pay all liabilities incurred by the petitioner since the date of separation.

**3.5 Liabilities to be Paid by the Respondent**

☒ The respondent shall pay the following community or separate liabilities:

1. All obligations associated with the \$2,500.00 check which he deposited shortly before his arrest and incarceration, including collection costs payable to Bank of America and associated charges and costs.
2. All obligations in his name alone.
3. All liabilities incurred by him following the parties' separation.

Unless otherwise provided herein, the respondent shall pay all liabilities incurred by the respondent since the date of separation.

**3.6 Hold Harmless Provision**

☒ Each party shall hold the other party harmless from any collection action relating to separate or community liabilities set forth above, including reasonable attorney's fees and costs incurred in defending against any attempts to collect an obligation of the other party.

**3.7 Maintenance**

☒ Does not apply.

3.8 Restraining Order

☐ No temporary personal restraining orders have been entered under this cause number.

☐ All temporary Restraining Order(s) signed by the court under this cause number are terminated. *Clerk's Action.* The clerk of the court shall forward a copy of this order, on or before the next judicial day to:

\_\_\_\_\_ law enforcement agency where the protected person resides which shall enter this order into any computer-based criminal intelligence system available in this state used by law enforcement agencies to list outstanding warrants.

☒ The parties shall comply with the final Restraining Order signed by the court on this date or dated \_\_\_\_\_, under this cause number. The Restraining Order signed by the court is approved and incorporated as part of this decree.

3.9 Protection Order

☒ Does not apply.

3.10 Jurisdiction Over the Children

☒ Does not apply because there are no dependent children.

3.11 Parenting Plan

☒ Does not apply.

3.12 Child Support

☒ Does not apply.

3.13 Attorney Fees, Other Professional Fees and Costs

☐ Does not apply.

☐ Attorney fees, other professional fees and costs shall be paid as set forth in the separation contract or prenuptial agreement referenced above.

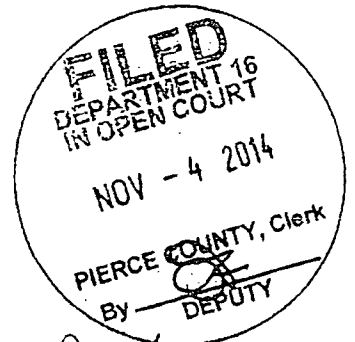
☒ Attorney fees, other professional fees and costs shall be paid as follows:

\$1,500 fees and \$336 costs  
Total \$1,836

3.14 Name Changes

[x] The petitioner's name shall be changed to Mary E. Moran.

3.15 Other



Dated: 11-4-14

[Signature]  
Judge/Commissioner

Presented by:

Approved for entry:

Notice for presentation waived:

[Signature]

did not appear

John Frawley, WSBA #11819

Harold S. George, Respondent

Attorney for Petitioner

Approved for entry:

Notice for presentation waived:

Mary E. Moran-George, Petitioner

STATEMENT SUMMARY AS OF Nov 11, 2013

Account No.

200022007005

Account Balance

Balance as of last billing

\$115.61

Thank you for your payment(s)

\$0.00

Balance Forward

\$115.61

Current Charges

\$142.66

CURRENT TOTAL AS OF Nov 11, 2013

\$258.27

Statement Due Date Dec 2, 2013

AMOUNT DUE THIS STATEMENT

\$258.27

Your bill this month reflects changes in rates that went into effect Nov. 1.

Electric Detail: 14612 230TH ST E, GRAHAM

Rate/ Dates	Meter Number	Pres Read	Prev Read	Pres Date	Prev Date	Mult	KWH (Usage)	Bill Demand	KVAR Hours	Code	Amount
7E	U012609060	20299	18859	11/08	10/09	1	1440			ACTL	
10/10/13 11/08/13											\$7.87
10/10/13 11/08/13							600 kWh @ \$0.091414 Per kWh				\$54.85
10/10/13 11/08/13							840 kWh @ \$0.110236 Per kWh				\$92.60
10/10/13 11/08/13							1,440 kWh @ \$0.009279CR Per kWh				\$13.36 CR
10/10/13 11/08/13							1,440 kWh @ \$0.004632 Per kWh				\$6.67
10/10/13 10/31/13							1,056 kWh @ \$0.000000 Per kWh				\$0.00
11/01/13 11/08/13							384 kWh @ \$0.000528CR Per kWh				\$0.20 CR
10/10/13 11/08/13							1,440 kWh @ \$0.000335CR Per kWh				\$0.48 CR
10/10/13 11/08/13							1,440 kWh @ \$0.003323CR Per kWh				\$4.79 CR
10/10/13 11/08/13							1,440 kWh @ \$0.000000 Per kWh				\$0.00
10/10/13 11/08/13							1,440 kWh @ \$0.000348CR Per kWh				\$0.50 CR

Current Electric Charges

\$142.66

A rate change became effective during this billing period. The listed rate item(s) that changed shows the dates, prices and charges for each portion of the bill period that they were in effect.

Copies of the rate schedules are available upon request.

A late fee of 1% will apply to overdue charges, if any. Please see the reverse side for details on late payment charges.

A 3.873% state utility tax is included in electric rates charged, approximately \$5.53.

For information, emergencies, to report an outage or for changes to your account, please call 1-888-225-5773.

When paying in person, please present both portions. When mailing remittance, please mail to Puget Sound Energy, BOT-01H, P.O. Box 91269, Bellevue, WA 98009-9269

Please detach here ↑ and return this portion with your payment 14612 230TH ST E, GRAHAM

PUGET SOUND ENERGY  
The Energy To Do Great Things

Account: 200022007005

Current Bill Due Date

Dec 2, 2013

Total Amount Due

\$258.27

Please make checks payable to  
Puget Sound Energy

Yes, I want to give \$\_\_\_\_\_ to the Warm Home Fund.



042069 1 AV 0.360

R004



HAROLD S GEORGE  
14612 230TH ST E  
GRAHAM WA 98338-8664

Puget Sound Energy  
BOT-01H  
P.O. Box 91269  
Bellevue, WA 98009-9269

00618000287717 0001 01 00200022007005 000000014266 000000025827

21



## FINAL NOTICE

December 20, 2013

Account Number: 200022007005  
Customer: HAROLD S GEORGE  
Service Address: 14612 230TH ST E, GRAHAM, WA 98338

Total Account Balance: \$600.16

**Immediate Attention is required:** The energy service, at the above address, with Puget Sound Energy is scheduled for disconnection. A payment of \$258.27 must be received no later than December 31, 2013 to avoid service disconnection.

If payment hasn't been made, please call 1-888-225-5773 to inquire about payment options. Please pay the minimum amount due or contact Puget Sound Energy for mutually satisfactory payment arrangements. Failure to do so will result in service disconnection without further notice.

**Important:** If service is disconnected for non-payment, a minimum reconnection charge of \$37.00 plus an additional deposit is required for reconnection. Appointments for reconnection are subject to scheduling availability. Please note that there is a \$13.00 charge for a field representative visit.

Sign up for "My PSE Account", a convenient online account management feature, available on our website at PSE.com. On "My PSE Account" you can pay online, print bills, view payment arrangements, and discover ways to save energy. To find out about assistance resources available for energy bills call 1-866-223-5425. If you would like to speak with a customer service representative or access our Pay by Phone feature, please call Puget Sound Energy at 1-888-225-5773, 1-425-452-1234 or TTY at 1-800-962-9498.

For information, emergencies, to report an outage or for changes to your account, please call 1-888-225-5773.

When paying in person, please present both portions. When mailing remittance, please mail to Puget Sound Energy, BOT-01H, P.O. Box 91269, Bellevue, WA 98009-9269

Please detach here ↑ and return this portion with your payment 14612 230TH ST E, GRAHAM



PUGET SOUND ENERGY  
The Energy To Do Great Things

Account: 200022007005

Current Bill Due Date  
Now

Total Amount Due  
\$258.27

Please make checks payable to  
Puget Sound Energy



004531 1 AT 0.384

R004

HAROLD S GEORGE  
14612 230TH ST E  
GRAHAM WA 98338-8664

Puget Sound Energy  
BOT-01H  
P.O. Box 91269  
Bellevue, WA 98009-9269

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27



## STATEMENT SUMMARY AS OF Jan 13, 2014

Account No.

200022007005

Account Balance

Balance as of last billing

\$600.16

Thank you for your payment(s)

\$150.00 CR

Balance Forward

\$450.16

Current Charges

\$341.83

CURRENT TOTAL AS OF Jan 13, 2014

\$791.99

Statement Due Date Feb.3, 2014

AMOUNT DUE THIS STATEMENT

\$791.99

Your bill this month reflects changes in rates that went into effect Jan 1.

## Electric Detail: 14612 230TH ST E, GRAHAM

Rate/ Dates	Meter Number	Pres Read	Prev Read	Pres Date	Prev Date	Mult	KWH (Usage)	Bill, Demand	KVAR Hours	Code	Amount
7E	U012609060	26981	23710	01/10	12/10	1	3271			ACTL	
12/11/13 01/10/14	Basic Charge										\$7.87
12/11/13 01/10/14	Electric Energy Charge										\$54.85
12/11/13 01/10/14	Electric Energy Charge										\$294.44
12/11/13 01/10/14	Energy Exchange Credit										\$30.35 CR
12/11/13 01/10/14	Electric Cons. Program Charge										\$15.15
12/11/13 01/10/14	Power Cost Adjustment										\$1.73 CR
12/11/13 12/31/13	Merger Credit										\$0.74 CR
01/01/14 01/10/14	Merger Credit										\$0.36 CR
12/11/13 12/31/13	Federal Wind Power Credit										\$7.36 CR
01/01/14 01/10/14	Federal Wind Power Credit										\$3.11 CR
12/11/13 01/10/14	Regulatory Asset Tracker										\$0.00
12/11/13 12/31/13	Renewable Energy Credit										\$0.77 CR
01/01/14 01/10/14	Renewable Energy Credit										\$0.90 CR

## Current Electric Charges

\$326.99

A rate change became effective during this billing period. The listed rate item(s) that changed shows the dates, prices and charges for each portion of the bill period that they were in effect.

Copies of the rate schedules are available upon request.

A late fee of 1% will apply to overdue charges, if any. Please see the reverse side for details on late payment charges.

A 3.873% state utility tax is included in electric rates charged, approximately \$12.66.

## Description of One-Time Charges

## Reference #

## Amount

Electric Late Pay Fee

713333466022

\$1.14

Electric Late Pay Fee

721851987426

\$0.70

Electric Disconnect Visit Chg

730000466691

\$13.00

## Total of One-Time Charges

\$14.84

For information, emergencies, to report an outage or for changes to your account, please call 1-888-225-5773.

When paying in person, please present both portions. When mailing remittance, please mail to Puget Sound Energy, BOT-01H, P.O. Box 91269, Bellevue, WA 98009-9269

Please detach here ↑ and return this portion with your payment

14612 230TH ST E, GRAHAM

PUGET SOUND ENERGY  
The Energy To Do Great Things

Account: 200022007005

Current Bill Due Date

Feb 3, 2014

Total Amount Due

\$791.99

Yes, I want to give \$\_\_\_\_\_ to the Warm Home Fund.

Please make checks payable to  
Puget Sound Energy



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R004



HAROLD S GEORGE  
14612 230TH ST E  
GRAHAM WA 98338-8664

Puget Sound Energy  
BOT-01H  
P.O. Box 91269  
Bellevue, WA 98009-9269

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**STATEMENT SUMMARY AS OF Feb 11, 2014**

Account No. 200022007005

Account Balance

Balance as of last billing	\$791.99
Thank you for your payment(s)	\$0.00
Balance Forward	\$791.99
Current Charges	\$442.48
<b>CURRENT TOTAL AS OF Feb 11, 2014</b>	<b>\$1,234.47</b>

Statement Due Date Mar 4, 2014

<b>AMOUNT DUE THIS STATEMENT</b>	<b>\$1,234.47</b>
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**Electric Detail:** 14612 230TH ST E, GRAHAM

Rate/ Dates	Meter Number	Pres Read	Prev Read	Pres Date	Prev Date	Mult	KWH (Usage)	Bill Demand	KVAR Hours	Code	Amount	
7E	U012609060	31371	26981	02/10	01/10	1	4390			ACTL		
01/11/14 02/10/14	Basic Charge										\$7.87	
01/11/14 02/10/14	Electric Energy Charge										600 kWh @ \$0.091414 Per kWh	\$54.85
01/11/14 02/10/14	Electric Energy Charge										3,790 kWh @ \$0.110236 Per kWh	\$417.79
01/11/14 02/10/14	Energy Exchange Credit										4,390 kWh @ \$0.009279CR Per kWh	\$40.73 CR
01/11/14 02/10/14	Electric Cons. Program Charge										4,390 kWh @ \$0.004632 Per kWh	\$20.33
01/11/14 02/10/14	Power Cost Adjustment										4,390 kWh @ \$0.000528CR Per kWh	\$2.32 CR
01/11/14 02/10/14	Merger Credit										4,390 kWh @ \$0.000345CR Per kWh	\$1.51 CR
01/11/14 02/10/14	Federal Wind Power Credit										4,390 kWh @ \$0.002947CR Per kWh	\$12.94 CR
01/11/14 02/10/14	Regulatory Asset Tracker										4,390 kWh @ \$0.000000 Per kWh	\$0.00
01/11/14 02/10/14	Renewable Energy Credit										4,390 kWh @ \$0.000850CR Per kWh	\$3.73 CR
Current Electric Charges											\$439.61	

A late fee of 1% will apply to overdue charges, if any. Please see the reverse side for details on late payment charges.

A 3.873% state utility tax is included in electric rates charged, approximately \$17.03.

<u>Description of One-Time Charges</u>	<u>Reference #</u>	<u>Amount</u>
Electric Late Pay Fee	703703850017	\$1.79
Electric Late Pay Fee	703703851396	\$1.07
Electric Late Pay Fee	703703856906	\$0.01
<b>Total of One-Time Charges</b>		<b>\$2.87</b>

For information, emergencies, to report an outage or for changes to your account, please call 1-888-225-5773.

When paying in person, please present both portions. When mailing remittance, please mail to Puget Sound Energy, BOT-01H, P.O. Box 91269, Bellevue, WA 98009-9269

Please detach here ↑ and return this portion with your payment 14612 230TH ST E, GRAHAM



Account: 200022007005

**Current Bill Due Date**  
**Mar 4, 2014**

<b>Total Amount Due</b>
<b>\$1,234.47</b>

Yes, I want to give \$\_\_\_\_\_ to the Warm Home Fund.

Please make checks payable to  
Puget Sound Energy



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R004



HAROLD S GEORGE  
 14612 230TH ST E  
 GRAHAM WA 98338-8664

Puget Sound Energy  
 BOT-01H  
 P.O. Box 91269  
 Bellevue, WA 98009-9269

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**STATEMENT SUMMARY AS OF Feb 19, 2014**

Account No. 200022007005

Account Balance

Balance as of last billing	\$1,234.47
Thank you for your payment(s)	\$0.00
Deposit Applied	\$152.00 CR
Deposit Interest Applied	\$0.22 CR
Balance Forward	\$1,082.25
Current Charges	\$48.53
<b>CURRENT TOTAL AS OF Feb 19, 2014</b>	<b>\$1,130.78</b>

Statement Due Date Mar 11, 2014

**AMOUNT DUE THIS STATEMENT****\$1,130.78****Electric Detail:** 14612 230TH ST E, GRAHAM

Rate/ Dates	Meter Number	Pres Read	Prev Read	Pres Date	Prev Date	Mult	KWH (Usage)	Bill Demand	KVAR Hours	Code	Amount
7E	U012609060	31789	31371	02/14	02/10	1	418			ACTL	
02/11/14 02/14/14	Basic Charge										\$7.87
02/11/14 02/14/14	Electric Energy Charge										418 kWh @ \$0.091414 Per kWh \$38.21
02/11/14 02/14/14	Energy Exchange Credit										418 kWh @ \$0.009279CR Per kWh \$3.88 CR
02/11/14 02/14/14	Electric Cons. Program Charge										418 kWh @ \$0.004632 Per kWh \$1.94
02/11/14 02/14/14	Power Cost Adjustment										418 kWh @ \$0.000528CR Per kWh \$0.22 CR
02/11/14 02/14/14	Merger Credit										418 kWh @ \$0.000345CR Per kWh \$0.14 CR
02/11/14 02/14/14	Federal Wind Power Credit										418 kWh @ \$0.002947CR Per kWh \$1.23 CR
02/11/14 02/14/14	Regulatory Asset Tracker										418 kWh @ \$0.000000 Per kWh \$0.00
02/11/14 02/14/14	Renewable Energy Credit										418 kWh @ \$0.000850CR Per kWh \$0.36 CR

**Current Electric Charges****\$42.19**

This is the final charge for your current electric service at this address.

A late fee of 1% will apply to overdue charges, if any. Please see the reverse side for details on late payment charges.

A 3.873% state utility tax is included in electric rates charged, approximately \$1.63.

**Description of One-Time Charges****Reference #****Amount**

Electric Late Pay Fee	707777933989	\$1.17
Electric Late Pay Fee	709629795475	\$3.37
Electric Late Pay Fee	727777924577	\$1.72
Electric Late Pay Fee	727777924578	\$0.01
Electric Late Pay Fee	727777924579	\$0.07

**Total of One-Time Charges****\$6.34**

For information, emergencies, to report an outage or for changes to your account, please call 1-888-225-5773.

When paying in person, please present both portions. When mailing remittance, please mail to Puget Sound Energy, BOT-01H, P.O. Box 91269, Bellevue, WA 98009-9269

Please detach here ↑ and return this portion with your payment 14612 230TH ST E, GRAHAM



Account: 200022007005

Current Bill Due Date

Mar 11, 2014

Total Amount Due

**\$1,130.78**Please make checks payable to  
Puget Sound Energy

Yes, I want to give \$ \_\_\_\_\_ to the Warm Home Fund.



049788 1 AT 0.406

B001



HAROLD S GEORGE

PO BOX 66

SOUTH PRAIRIE WA 98385-0066

Puget Sound Energy

BOT-01H

P.O. Box 91269

Bellevue, WA 98009-9269

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**PUGET SOUND ENERGY**

FINAL REQUEST

March 17, 2014

Account Number: 200022007005  
Customer: HAROLD S GEORGE  
Service Address: 14612 230TH ST E , GRAHAM, WA 98338

Total Account Balance: \$1,130.78

We wish to bring to your attention that as of today, March 17, 2014, your account has an outstanding balance of \$1,130.78. This amount may include a 1% late payment fee. An explanation of this fee is on the back of this notice.

Although we have mailed you an original closing bill, your account remains unpaid.

We would appreciate your prompt attention to this matter. Unless payment is received by March 24, 2014, your account is subject to referral to a collection agency and/or a credit reporting agency.

Please protect your credit rating by returning your remittance in the enclosed envelope. You may also pay by credit card (a convenience fee applies) by calling 1-888-225-5773.

If you have any questions, please contact our Customer Care Center via email at: [customerarcare@pse.com](mailto:customerarcare@pse.com) by calling 1-888-225-5773 or by TTY at 1-800-962-9498. We are available Monday through Friday, 7:30 a.m. to 6:30 p.m.

For information, emergencies, to report an outage or for changes to your account, please call 1-888-225-5773.

When paying in person, please present both portions. When mailing remittance, please mail to Puget Sound Energy, BOT-01H, P.O. Box 91269, Bellevue, WA 98009-9269

Please detach here ↑ and return this portion with your payment 14612 230TH ST E, GRAHAM



Account: 200022007005

Current Bill Due Date  
Now

Total Amount Due  
**\$1,130.78**

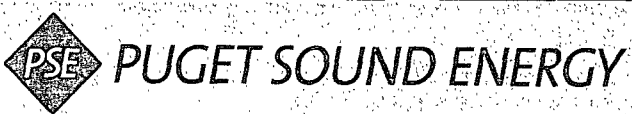
Please make checks payable to  
Puget Sound Energy



004662 1 AT 0.406 B001  
HAROLD S GEORGE  
PO BOX 66  
SOUTH PRAIRIE WA 98385-0066

Puget Sound Energy  
BOT-01H  
P.O. Box 91269  
Bellevue, WA 98009-9269

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## FINAL REQUEST

March 27, 2014

Account Number: 200022007005  
Customer: HAROLD S GEORGE  
Service Address: 14612 230TH ST E, GRAHAM, WA 98338

Total Account Balance: \$1,130.78

We wish to bring to your attention that as of today, March 27, 2014, your account has an outstanding balance of \$1,130.78. This amount may include a 1% late payment fee. An explanation of this fee is on the back of this notice.

Although we have mailed you an original closing bill, your account remains unpaid.

We would appreciate your prompt attention to this matter. Unless payment is received by April 03, 2014, your account is subject to referral to a collection agency and/or a credit reporting agency.

Please protect your credit rating by returning your remittance in the enclosed envelope. You may also pay by credit card (a convenience fee applies) by calling 1-888-225-5773.

If you have any questions, please contact our Customer Care Center via email at: [customercare@pse.com](mailto:customercare@pse.com) by calling 1-888-225-5773 or by TTY at 1-800-962-9498. We are available Monday through Friday, 7:30 a.m. to 6:30 p.m.

*Fax 425-424-6875*

For information, emergencies, to report an outage or for changes to your account, please call 1-888-225-5773.

When paying in person, please present both portions. When mailing remittance, please mail to Puget Sound Energy, BOT-01H, P.O. Box 91269, Bellevue, WA 98009-9269

Please detach here ↑ and return this portion with your payment 14612 230TH ST E, GRAHAM



PUGET SOUND ENERGY  
The Energy To Do Great Things

Account: 200022007005

Current Bill Due Date  
Now

Total Amount Due  
\$1,130.78

Please make checks payable to  
Puget Sound Energy



005893 1 AT 0.406

B001

HAROLD S GEORGE  
PO BOX 66  
SOUTH PRAIRIE WA 98385-0066

Puget Sound Energy  
BOT-01H  
P.O. Box 91269  
Bellevue, WA 98009-9269

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STATE OF WASHINGTON  
**DEPARTMENT OF CORRECTIONS**  
P.O. Box 41100 • Olympia, Washington 98504-1100

March 30, 2015

Harold George, DOC # 747591  
Coyote Ridge Corrections Center E/EA401L  
P.O. Box 769  
Connell, WA 99326

Dear Mr. George:

Your request for records dated March 18, 2015, was received on March 23, 2015. This request has been assigned public disclosure tracking number PDU-33408. Please reference that number in any future correspondence regarding this request.

You write to request a copy the following records:

1. A copy of documents showing proof of marriage and loss of visitation from 2002 to 12/18/2007.
2. Any Mental Health records.
3. School records and test scores for all of your incarceration.

In regards to number one above, we have already begun processing that portion in another request made by you 03/09/2015 PDU-33293. Please note that the medical records portion, number two, has been assigned number OHR- 26139 and forwarded to the Offender Health Records Units for processing. The Health Unit will respond to this portion of your request separately. My portion of this request will be gathering and reviewing responsive records to number three from above.

If the above listed records are not a correct interpretation, please let me know; otherwise records will be gathered as listed. Department staff are in the process of identifying and gathering records responsive to your request. You may expect further correspondence regarding the status of PDU-33408 within 35 business days, on or before May 11, 2015.

Sincerely,

Cary Nagel, Public Disclosure Specialist  
Public Disclosure Unit  
Department of Corrections  
P.O. Box 41118  
Olympia, WA 98504-1118

CN: PDU-33408

*"Working Together for SAFE Communities"*

# Law Office of Kent W. Underwood, P.S.

1111 Fawcett Ave., Suite 101, Tacoma, WA 98402-2024 Ph. (253) 627-2600 Fax (253) 591-7086

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February 26, 2015

Harold George  
747591, E-A-40  
Coyote Ridge Corrections Complex  
P.O. Box 769  
Connell, WA 99326

RE: *State v. Harold George*, No. 46366-1-II, 46323-7-II

Dear Mr. George:

I am in receipt of your motion to request a continuance to file a statement of additional grounds. You should specify how much time you need. Ask to be allowed to file it on or before a specific date. I would add it for you, but I do not know how much time you will need.

Regarding having never received transcripts or discovery from me, I am not permitted to give you discovery. You can send a public records request to the prosecuting attorney's office for a copy of the discovery.

Regarding sending you transcripts, there is a cost to the transcripts of \$.25 per page. I will calculate the cost and forward that number to you. Upon receipt of the copy costs I will forward transcripts to you.

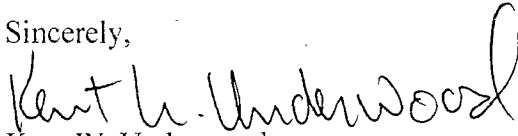
Regarding interviewing witnesses or newly discovered evidence, it is not part of the direct appeals process to interview witnesses. A direct appeal is based solely on the record at the trial court level. I am interested in what those witnesses would have testified to, so you can forward to me their statements, or have them forward them to me. I will review them, but you can still put that in your statement of additional grounds.

Regarding newly discovered evidence, although my assistant told me about your recent phone call, prior to that I was not made aware of any recantation or any newly discovered evidence. Please provide that evidence to me ASAP so that we may discuss.

Mr. Harold George  
February 26, 2015  
Page 2 of 2

It is my pleasure to represent you. If you have any questions, please do not hesitate to contact me at 253-627-2600.

Sincerely,

A handwritten signature in cursive script that reads "Kent W. Underwood". The signature is written in dark ink and is positioned above the printed name.

Kent W. Underwood  
Attorney at Law

# DECLARATION OF MAILING

## GR 3.1

I, HAROLD GEORGE on the below date, placed in the U.S. Mail, postage prepaid, \_\_\_\_\_ envelope(s) addressed to the below listed individual(s):

The Court of Appeals  
Division II  
950 Broadway STE 300  
TACOMA, WA 98402

FILED  
COURT OF APPEALS  
DIVISION II  
2015 APR 20 PM 1:32  
STATE OF WASHINGTON  
BY \_\_\_\_\_  
DEPUTY

I am a prisoner confined in the Washington Department of Corrections ("DOC"), housed at the Coyote Ridge Correctional Complex ("CRCC"), 1301 N. Ephrata Avenue, Post Office Box 769, Connell, WA 99326-0769, where I mailed said envelope(s) in accordance with DOC and CRCC Policies 450.100 and 590.500. The said mailing was witnessed by one or more staff and contained the below-listed documents.

1. Statement of Additional Grounds w/ Appendix
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_

I hereby invoke the "Mail Box Rule" set forth in General Rule ("GR") 3.1, and hereby declare under penalty of perjury under the laws of the State of Washington that the forgoing is true and correct.

DATED this 16 day of APRIL, 2015, at Connell WA.

Signature \_\_\_\_\_